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A MONOGRAPH

ON THE

FOUNDING OF JERSEY CITY

BY

CHARLES H. WINFIELD

Member of the New Jersey Historical Society; Member of the New York Historical Society; Corresponding Member of the Minisink Valley Historical Society; Corresponding Member of the Historical Society of Wisconsin. Author of "History of Hudson County, New Jersey," "History of the Land Titles of Hudson County," etc.

Non sine usu fuerit introspicere illa primo aspectu levia, ex quibus magnorum sæpe rerum motus oriuntur.—*Tacitus.*

NEW YORK

THE CAXTON PRESS

171, 173 MACDOUGAL STREET

1891

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WINFIELD, CHARLES HARDENBURG, 1829-1898.
A monograph on the founding of Jersey City...
New York, Caxton press, 1891.
97p.

H 7003

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THE FOUNDERS OF JERSEY CITY.

PREFACE.

This brief History of the Founding of Jersey City grew out of an address prepared in compliance with the following request:

NEW YORK HISTORICAL SOCIETY,
New York, January 10, 1891.

DEAR SIR:

In behalf of the Committee on Papers, I beg to enquire whether you can read before the Society on Tuesday Evening, the 2d of June next, a monograph on the "Founding of Jersey City."

In the hope that we are to have the pleasure of hearing you,

I am very respectfully yours,

CHARLES ISHAM.

To the Hon. CHARLES H. WINFIELD.

In my judgment the founding of Jersey City was completed when the Charter of 1838 was accepted, and the Municipal Government organized under it. Neither the Act of 1820 incorporating "The Board of Selectmen," nor the Act of 1829 incorporating "The Board of Selectmen and Inhabitants," can be accepted as the proper date. Both of these bodies were quite helpless. They lacked

vitality to justify their existence by any useful act. They were names not realties. It was not until the Charter of 1838 was passed and accepted that the City assumed an independent existence, with sufficient power to protect itself from disorganizing tendencies. At this date I stop, and from this date some future historian may undertake to write a history of our City.

I have been fortunate in securing copies of some maps and plates illustrating the work. They will be found very interesting.

I have not hesitated to incur the expense of a proper presentation of the founding of our City, convinced that the residents therein will readily appreciate it.

C. H. W.

JERSEY CITY,

Thanksgiving Day, 1891.

A MONOGRAPH

ON

THE FOUNDING OF JERSEY CITY.

Jersey City, with a population of one hundred and sixty-three thousand, and a territory filling the space between the cities of Hoboken on the north, and Bayonne on the south, the Hudson River on the east, and the Hackensack on the west, is not the subject of this paper. As Troy grew up around the Hill of Ate; Athens around the Acropolis, and Rome around the Palatine, so the municipality, the story of whose founding I am now to tell, has grown around Powles Hook. On its sand hills and marsh Jersey City had its genesis.

The first addition of territory to the original bounds of Powles Hook brought within the jurisdiction of Jersey City, was made March 8th, 1839. Then the westerly boundary of the City was extended to the centre line of Grove Street.

The second enlargement was made March 27th, 1851, when Jersey City and the Township of Van

Vorst were consolidated.* This Township was on the Island of Ahasimus, and with Powles Hook and the territory annexed thereto in 1839, covered the whole Island. This Island was surrounded on the east by Hudson's River, and on the other three sides by Mill Creek, from Jan de Lacher's Hook on the south around by Point of Rocks and the foot of the Hill at Newark Avenue, thence winding through the meadows to the Hudson at the boundary line between Jersey City and Hoboken on the north. The northerly part of this stream was generally called Harsimus Creek.

In 1870, the cities of Hudson, Bergen and Jersey City were consolidated under the last name.†

The City of Hudson was incorporated April 11th, 1855, and covered all the territory lying on the Heights, and extending to the Hackensack River on the west, between the Pennsylvania Railroad on the south, and the Town of West Hoboken on the north.

The City of Bergen was incorporated March 11th, 1868, and covered all the territory between the Pennsylvania Railroad on the north, the Township of Greenville on the south, the Hackensack River

* This consolidation was approved by a popular vote on the subject in both municipalities. In Jersey City the vote was, 489 in favor, and 3 against; in Van Vorst the vote was 377 in favor, and 47 against.

† This consolidation was approved by a popular vote on the subject in the three municipalities. In Jersey City the vote was, 2,220 in favor, and 911 against; in the City of Hudson the vote was, 1,320 in favor, and 220 against; in the City of Bergen the vote was, 815 in favor, and 108 against.

on the west, and Mill Creek and Hudson's River on the east. Within these bounds were the once fortified villages of Communipaw and "*het dorp Bergen in t'nieuw maislandt.*"

In 1873, the Township of Greenville, covering all the territory between the Cities of Bergen and Bayonne, and the New York and Hackensack Bays was added to Jersey City.

POWLES HOOK.

Lying south of Hoboken, and in almost a straight line were a number of small islands. It is probable that these islands were of glacial origin.* The one

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* Mr. Alex. McLean, who aided Prof. Geo. H. Cook, in his geological examination of Hudson County, says:

"Hudson County lies at the southern end of the deep valley of the Hudson River and Lake Champlain. So deep is this valley that a rise of one hundred and fifty feet in the sea level would cut off New England from the rest of the continent, forming a great island.

This valley was once the bed of an immense glacier, of an average thickness of 2000 feet. It had an average basic pressure of sixty tons to the square foot, and had a generally southern movement. It denuded the ridges of earth and disintegrated rocks and deposited mud and gravel in the valleys.

In the slow movement of the earth which brought this section again under the vertical rays of the sun and pushed the Arctic ice-crown back, the ice melted and formed a lake which included most of the Hudson Valley. Tappan Zee is a relic.

The water backed up and floated icebergs. They had hundreds of feet of mud, gravel and boulders frozen in the bottom, caused by alternating freezing and thawing. The water in the lake gradually wore away the dams and reached the ocean. The icebergs caught on projecting rocks as the water shoaled.

At Hoboken there is a serpentine outcrop, once a rocky island in the bay. The bay was originally bounded by the eastern face of Bergen's trap rock. This serpentine sinks after one-third of a mile. At the Pavonia Ferry it is 179 feet below the tide level. It follows a gneiss stratum south, and outcrops again on Staten Island.

Many icebergs yielded their hoarding of gravel and boulders at Hoboken.

lying nearest to Hoboken was Ahasimus; the next southerly, though much to the eastward and quite out of line, was known by the Indians as Arisseck, and by the Dutch as Powles Hook; then Jan de Lacher's Hook, Communipaw, Apopcalyck or Raccocas and Kewan, or Cavan Point. The marsh connected these islands with each other, and with the main land on the west, except where some tide water creek, winding its tortuous way through the marsh, maintained a separation. They were distinct

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This formed the earth of the Elysian Fields. The smaller bergs were carried around the point both east and west and covered the shoals and sides of the rock with earth and boulders. Each season brought more bergs breaking off the glacier's face.

On Henderson Street some giant berg was stranded and deposited a large hill, now scattered in street filling in the northerly part of Jersey City.

Southeast of it another stranded berg formed the upland at Provost Street and Pavonia Avenue and vicinity, and smaller sections of ice added their quota of gravel to form the upland.

Between the serpentine and the trap rock (which is an igneous injection from beneath) and under the Hackensack valley the underlying base is red sandstone.

East of the serpentine the underlying rock is gneiss. It has valleys worn in it by glacial and fluvial action which are now the river beds.

It is possible that there was a subsidence of those basic rocks when the elevation of Bergen Hill occurred. Hence the basin of the bay and other depressions. It is certain that the gneiss has many projections and each became an island. Each island is heavily coated with glacial gravel.

The "Hog's Back," the first elevation, was not high enough to retain its gravel. It was situated off Washington and Bay Streets in Harsimus Cove. North Point had a large gneiss base and became upland. Powles Hook was gravel and sand on a gneiss base (not outcrop), which held ice at the melting period. Andrew Clerk bored at Henderson and Montgomery Streets and found western edge of serpentine 14 feet below high water. It was affected in color and somewhat in crystallization by the trap injection. The gneiss projections were continuous from the Hog's Back across Jersey City to Ellis Island, Robbin's Reef and so on to Staten Island. Jan de Lacher's Hook, at the mouth of Mill Creek, doubtless has a serpentine base. It is purely glacial gravel and contains many boulders.

from, and west and north of that other chain of islands known as Ellis, Bedloe's, Oyster Island and Robbin's Reef.

Powles Hook was east of Ahasimus and much nearer to Manhattan Island than any other of the chain. It was in fact more in the line of the last named chain of islands than of the former.

On November 22d, 1630, it was purchased from the Indians by Michael Pauw, one of the Directors of the Dutch West India Company. The only description of the land included in that purchase was, "the land named Ahasimus and the peninsula Aressick," and the consideration therefor was "certain parcels of goods." * It then became part of the district of Pavonia, of which Michael Pauw was the Patroon.

The conversion of this district into private ownership became a source of annoyance and trouble to the Dutch West India Company. The Directors who had failed to secure tracts of land to themselves insisted that their more fortunate associates had secured the most valuable tracts in the domains of the Company, and that such individual ownership was antagonistic to the interests of the New Netherland. The Patroon was finally, in 1634, forced to release to the Company his interest in Pavonia. For this transfer he received 26,000 florins. The Company then gave it out that they would thenceforth

* A copy of this deed may be found in *Winfield's Land Titles*, *p.* 4.

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reserve unto themselves, "Staten Island, the land of Achassemes, Arasick, and Hobokina."

In 1633, Michael Paulusen was residing on "the Peninsula Aressick," as an officer of the Company, probably to traffic with the Indians. He was the first white resident, and from him the place received the name of *Paulus Hoeck*, in the course of time corrupted into *Powles Hook*.

In 1638, the Company, notwithstanding their resolution to reserve it unto themselves, sold it to Abraham Isaacsen Planck, "for the sum of four hundred and fifty guilders, calculated at twenty stivers to the guilder." "The Honorable, wise, and prudent Mr. William Kieft, Director General of New Netherland" acted for the Company in this transaction. The tract was then described as a "certain parcel of land called Pouwels Hook, situate westward of the Island of Manhates and eastward of Ahasimus, extending from the North River into the valley (marsh) which runs around it there.* Here Planck resided for a few years, and probably in the house which was in the occupancy of Paulusen in 1633. In 1643 he leased the whole place to Cornelis Arissen, and agreed to build a barn for his tenant.

The grant to Planck was confirmed by Governor Carteret, acting for the grantees of the Duke of York, by patent dated May 12th, 1668. In this

* A copy of this deed may be found in *Winfield's Land Titles*, *p.* 44.

patent the land was described as follows: "All of a neck of land, heretofore granted unto him by the Dutch Governor Kieft, lying and being on the west side of Hudson River, and called by the Dutch Powlus Houck, separated from Aharsimus by a small creek, to have and to hold the said neck of land and meadow, * * * as of the manner of East Greenwich in free and common socage." The Hook remained in the Planck family until August 2d, 1699, when John Abeel, attorney in fact of Planck's heirs, by virtue of a power dated September 13th, 1698, conveyed it to Cornelius Van Vorst for £300 "current money of New York," by the following description: "All that certain neck of land lying on the west side of Hudson's River called by the Dutch Poulus Houck, and in the language of the natives, Areseckhouck, lying to the *westward* (sic) of Ahasimus and separated from the said Ahasimus by a small creek that runs through the meadow, which said neck of upland and meadow thereunto belonging contains according to the Survey made by the Surveyor General, seventeen acres English measure."*

In the survey of the commissioners for the partition of the common Lands in the Township of Bergen, the tract was bounded as follows: "Beginning at the Mouth of a small Creek on the southwest side of said Hook, and runs up the Creek

* There is a manifest error in the quantity of land named. One hundred has been ommitted, see foot note * p. 25.

north twenty-seven Degrees, and forty Minutes East, twenty-two Chains, and thirty Links. Thence North eight Degrees, West twelve Chains and Ninety-five Links to Hudson's River, Thence down said river Easterly, Southerly, and Westerly round said Paulus Hook to the Mouth of said Creek, the place of Beginning." These descriptions in the several conveyances of the place sufficiently show what and where Powles Hook was.

For sixty-five years following, the place was cultivated as a part of the extensive farm of the owner, who had his home lot in Ahasimus. There can be no doubt that at an early date a road was constructed across the marsh between Powles Hook and the upland lying to the west.

Without such a road it would have been impossible to reach the Hook, either to cultivate it or to pass thence by boat to New York. When the ferry was established, the road was improved for stage use and extended across the upland of the Hook to the shore. It was on the line of the present Newark Avenue, from Henderson Street to a point twenty-five feet north of York Street, and two hundred feet west of Washington, thence it deflected to the east, crossing York Street at its intersection with Greene Street, thence southerly to the ferry at the foot of Grand Street. Here was a park around which the stages passed from the ferry on their way back to the stables.

POWLES HOOK FERRY.

The ferry was put into operation for the accommodation of the public on June 18th, 1764, as a part of the new stage route from New York to Philadelphia, by the way of Bergen Point and Blazing Star Ferries. Powles Hook ferry, with its two perriaugers sailing back and forth "as the wind served," would indeed appear insignificant if compared with the present ferry, with its double decked steamers, but to the public of that day it was a grand affair. The New York Mercury, of July 2nd, 1764, announced,

"GOOD NEWS FOR THE PUBLIC.

"The long wished for ferry is now established and kept across the North River, from a place called Powless's Hook to the City of New York; and boats properly constructed as well for the conveniency of passengers as for the carrying over of horses and carriages, do now constantly ply from one shore to the other. The landing on the New York side is fixed at the dock commonly called Mesier's Dock, and at Powless's Hook is situate nearly opposite to the said dock, the distance between the two places being about three-quarters of a mile, and as the boats may pass and repass, at all times of the tide, with almost equal despatch, it is thought by far the most convenient place for a ferry

of any yet established, or that can be established, from the Province of New Jersey to the City of New York; and what will give it the preference by far of all the other ferries in the winter season, is that rarely a day happens but that boats may pass at this ferry without being obstructed or endangered by ice.* Constant attendance is given at Powless's Hook by Michael Cornelisse, where the best of stabling and pasture is provided for horses."

Abraham Mesier and Michael Cornelisson were the proprietors of the ferry under lease from Cor-

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* Notwithstanding this commendation, the crossing at this ferry was not always smooth sailing, if "Enquirer," in the *Daily Advertiser*, of Jan. 13, 1804, is to be believed:

"SIR: On Wednesday morning I had occasion to cross from Powles Hook Ferry Stairs, New York, to the Jersey side. On my arrival at the boat I found the wind to blow quite fresh; upon which I asked the ferry master if the boatmen had not better take a reef in their sails? He answered me, No; and the mulatto captain also replied there was no danger; he would carry us across safely. Though, after these answers, I did not feel myself free from apprehension of danger, I agreed with the rest to take my passage, with a promise to myself, that if there should be an increase of wind I would endeavor to persuade our *captain* to take in sail. I soon found my fears were not unfounded, as at every flaw the perriauger went gunnel under. I then expressed my wish that they would either reef the sails, or take in one. This was also answered by a cry on the part of our captain; "There is no danger." Soon after another flaw took us, and one or two afterwards so severe that it is a miracle of miracles, we were not all sent into eternity. Independent of this, Mr. Editor, there was a person on board, with a horse and chair, who miraculously escaped having his leg broken by the carriage tumbling about, and jamming his leg against the side of the boat. This person lost several articles of his travelling apparatus overboard. He appeared much enraged, and after his arrival on the other side applied to the ferry-master for his property to be replaced. The only satisfaction he got from the ferry-men was this, that he was "a damned liar;" and from the ferry-master, that the ferry-men's lives were in as much danger as the passengers. The persons alluded to said he would publish the circumstance the next day; but as I have not seen it, if you think these hints in a fit state for publication, you will please give them a place in your paper."

nelius Van Vorst. The ferry stairs or landing was at the foot of Grand Street. Close to the ferry Cornelisson built a tavern for the accommodation of the travelling public. Passengers by stage were obliged to cross the River in the evening and stay all night at the tavern to get the stage in the morning. The ferry and the tavern being under one management, it is not a matter of surprise that in the unselfish reasoning of "mine host," the stage must start in the morning before the perriaugers could arrive at the Hook from New York.

LAND UNDER WATER.

Shortly after the erection of the ferry, Van Vorst, who appreciated its coming value and its importance to the ferry, made an effort to purchase from the proprietors the land under water in front of his patent. The story of this transaction in the light of his transfer to Dey, and of subsequent claims and legislation, is worth preservation:

"At a Council of Proprietors of the Eastern Division of New Jersey held at Perth Amboy, April 8th, 1767, Cornelius Van Vorst attending was called in, and laid before the Board a Memorial in the following words:

"*To the Honorable, the Council of Proprietors of the Eastern Division of New Jersey.*

"The Memorial of Cornelius Van Vorst of the Township of Bergen within said Province, Humbly showeth,

That your petitioner being Intitled to the patent called

Powles Hook, has already been at considerable Expense in Building and docking from said patent into the water and intends to lay out more money that way, and as the title to the Lands under water around said Powles Hook is vested in the General Proprietors of said Eastern Division of New Jersey,

Your petitioner therefore humbly prays that, the Honorable Board will grant him three chains into the water on the front of his said patent along Hudson's River and New York Bay and further prays a grant of four chains into the water of Hudson's River on the front of his House Lott at Ahassimus in Bergen aforesaid.

CORNELIUS VAN VORST.

BERGEN, *April* 8th, 1767."

"Which being considered, the Board appoints the president, Mr. Stevens and Mr. John Johnston a committee to hear Mr. Van Vorst's proposals and report thereon to-morrow morning.

"April 9, 1767. Mr. Johnston from the committee appointed to confer with Cornelius Van Vorst on the memorial presented yesterday, delivered in a report in the following words:

"Mr. Parker and Mr. John Johnston, of the committee appointed to treat with Mr. Van Vorst for the land under water in front of his patent of Powlus Hook along Hudson's River, do report that they have had a meeting with him and that he had offered to give £10 proclamation money per acre for the said land, being three chains in breadth in front of his patent aforesaid and four chains in front of his and Hendrick Cuyper's Lotts in ahassimus for himself and the said Cuyper, which two parcels of land by a Survey made by Mr. Hampton and pro-

duced to the committee, Contain about twenty-seven acres after reserving of a road of four rods wide to extend from the end of the road already laid out by the Commissioners appointed by act of Assembly of New Jersey for that purpose three chains into Hudson's River from High water mark, all of which is submitted, &c.

"Which Report being considered the Board agrees to accept of Van Vorst's offer and convey him the land accordingly. It's ordered that a warrant issue to Messrs. De Lancy and Stevens for the Quantity of 27.485 acres strict Measure to be Located to them on those lands mentioned in said Memorial in order that they may convey the same to said Cornelius Van Vorst, the said De Lancy and Stevens, or one of them is requested to attend the surveying of the same land in order to prevent said Van Vorst's having more lands than those fronting his and Hendrick Cuypers land in Ahassimus and his own at Paulus Hook." *

POWLES HOOK RACE COURSE.

At this time the upland of Powles Hook, besides a small tract at North Point, consisted of a number

* From this petition it is manifest that Van Vorst did not believe he had any right to the land under water.

Upon the warrant of the proprietors no survey was ever made, and of course no grant to the petitioner. Why the proceedings should have stopped so suddenly is at this day impossible to tell. It could not have been for lack of money, for Van Vorst was wealthy. Was it because of the insinuation in the warrant that he needed watching?

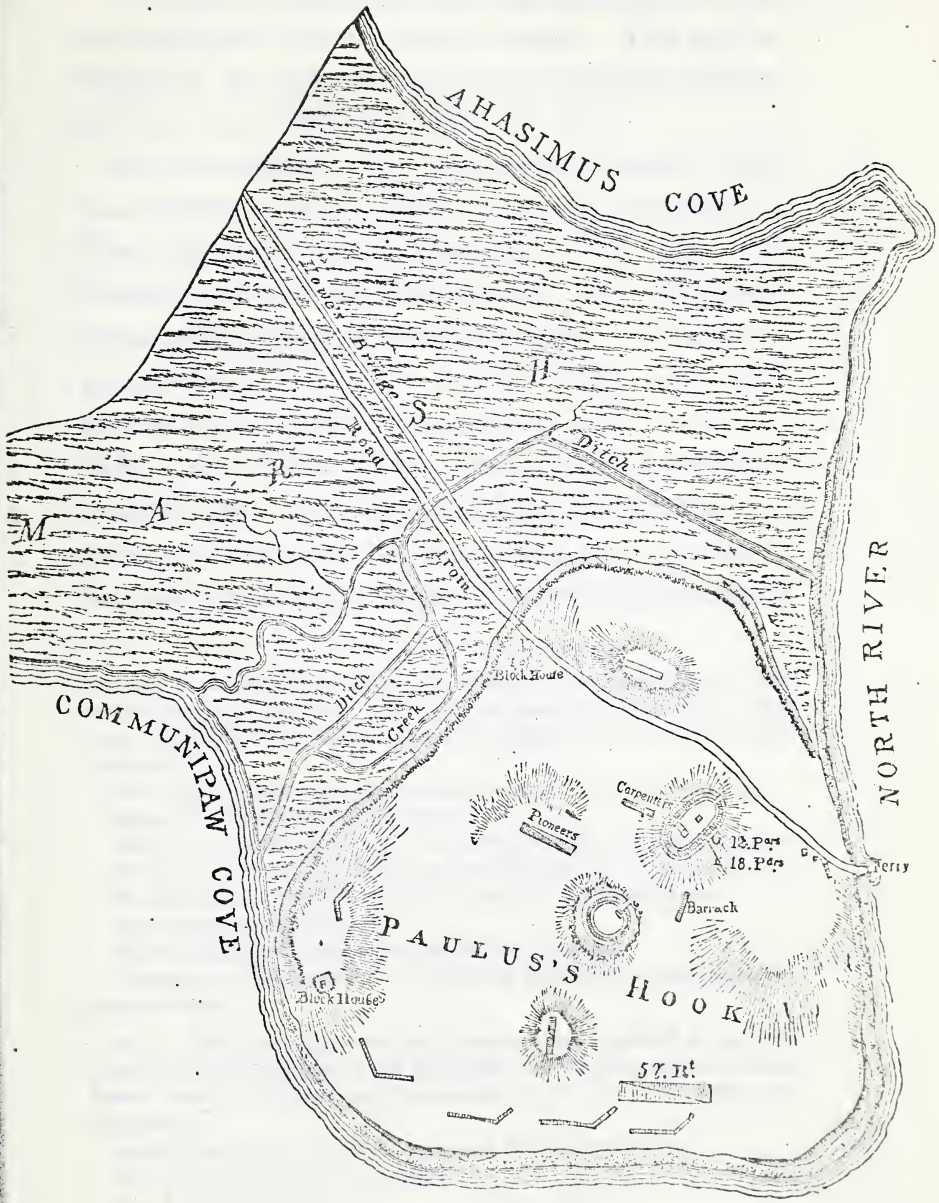
of sand hills, some of them of considerable height. These were surrounded on the west by a marsh in which were two tide water creeks, one emptying into Communipaw Bay on the south, and the other into Harsimus Bay on the north. These two creeks were shortly afterwards connected by a ditch dug by Major David Hunt. This ditch crossed Newark Avenue near the westerly line of Warren Street. On the north was Harsimus Bay, on the east Hudson River and on the south Communipaw Bay.

Utilizing the facilities for transportation offered by the ferry, Van Vorst constructed a race track around these hills in 1769. The first race was run on Monday, October 9th, of that year, and prominent New Yorkers sent their horses to the Powles Hook Derby. The principal event of the day was the contest between Anthony Rutger's horse, *Luggs*, and Mr. Morris' horse, *Partner*. The former had won the first heat, the latter the second. The third and deciding heat was in progress. For some time the result "in doubtful balance hung," when, alas for the uncertainty of all things connected with a horse race, *Partner* ran over a dog which had in the enthusiasm of the moment strayed upon the track. The cur threw the horse, the horse threw the rider, and *Luggs* was the first winning horse in the Powles Hook races. For thirty-five years this track was kept up.*

* So far as I have been able to learn, the last races run on this course were on the days of sale (pretended sale?) of lots, in June, 1804.

SPORTSMEN TAKE NOTICE.

"*Powles Hook Races* will commence on Wednesday the 13th day of June



POWLES HOOK AND FORTIFICATIONS.

The sport of the race track was diversified by an occasional fox hunt in Bergen woods. This was indulged in by many of the most prominent citizens, and was not relinquished prior to 1831.

At the outbreak of the Revolution, Powles Hook was looked upon as a place of strategic importance. The Americans took possession of it, and Lord Sterling planned its fortifications and constructed them under orders from Washington. Of such importance was the place considered that one of the objects of the Hickey conspiracy was to seize it. When New York fell into the hands of the British, Powles Hook was abandoned by the patriots, and from that time until the close of the war it remained in possession of the enemy, who strengthened the

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inst. free for any horse, mare or gelding, except the winning horses of the first and second days. Weight as follows: Three years old to carry 98 lbs., four years old, 105 lbs., five years old, 112 lbs., six years old, 119 lbs., and aged horses, 126 lbs.

First day, four times round the beautiful course of Powles Hook for $200.

Second day, three time round for $125.

Third day, twice round for $75. The heats to be run for each day's purse.

To show and enter at the starting post, at 2 o'clock, the day before running.

Not less than three reputable horses to start for either of said purses.

To start precisely at 2 o'clock.

No crossing, jostling or other foul play will be permitted.

Gentlemen are requested not to bring their dogs on the course during the days of running.

N. B. Gentlemen, Sportsmen and Spectators are requested to pay Mr. John Holdron the ferriage on the New York side for going and returning to Powles Hook, as no ferriage will be demanded on the other side, during three days racing.

Should it rain, the races will be postponed till the next fair day."

N. Y. Evening Post, JUNE, 14, 1804.

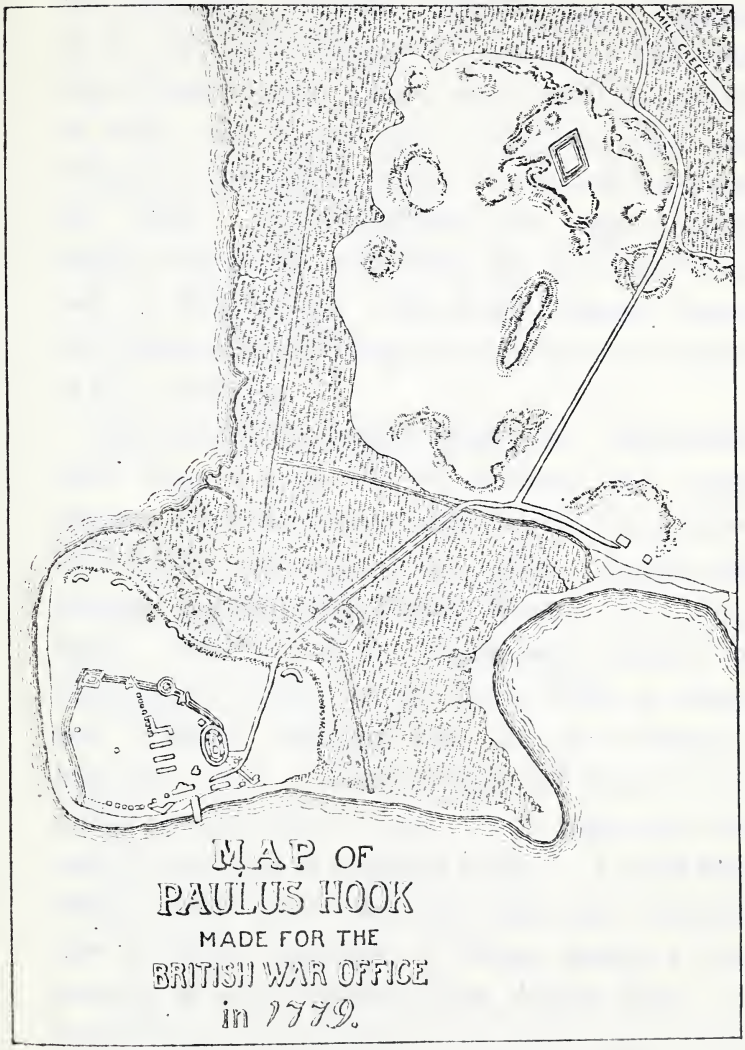
Vide Foot Note,† p. 51.

works constructed by the Americans, and added others.*

TRAVEL BY WAY OF POWLES HOOK.

After the war the ferry was again started and Van Vorst renewed the cultivation of the farm. But the place soon outgrew the enterprize of a cabbage garden. It became the starting point for travel to the south and southwest, and stages came and went for its accommodation. For Philadelphia they went by way of Bergen Point, Staten Island and Blazing Star. The stage was a Jersey wagon, without springs, and took three days to reach its destination. It was modestly called a "Flying Machine." Sovereign Sybrant fitted up a new and

* In the Journal of Capt. John Montresor under date of July 14th, 1778, I find the following entry: "The 57th proceeded from New York Island to Paulus Hook. . . Three armed vessels ordered to enfilade the causeway at Paulus Hook, an attack being expected. I detached 3 established engineers to strengthen the Paulus Hook by cutting a fosse across the neck."—*N. Y. Hist. Coll.* 1881, *p.* 505. This fosse or ditch began at low water mark on the river, fifty feet west of Green and about sixty feet north of Mercer Street, thence on a straight line through the marsh to the south east corner of Mercer and Warren; thence southerly crossing Newark Avenue at right angles fifty feet west of Warren; thence to a point one hundred feet south of Montgomery, and one hundred and twenty-five feet west of Warren; thence in a straight line southerly to its entrance into the creek, seventy-five feet north of Sussex, and one hundred and twenty-five feet west of Warren. This description is taken from Mangin's Map. It may also be seen on the two Maps showing the fortifications on Powles Hook, the first of which is copied from the original in the Congressional Library in Washington. There is no date to the Map, but the ditch was not dug until July, 1778. The other is copied from Map made for the British War Office in 1779. This probably is the one sent by Gen. Pattison to the government at home. He says: "That your Lordship may judge of the Strength of this Post from its Natural Situation, and from the Works raised for its Protection, I send the enclosed Plan, which will show how far it ought to have been out of the Reach of Insult."



SHOWING DITCH AND FORTIFICATIONS.

genteel stage wagon, which set out from Philadelphia on Monday and reached Trenton that day. The next day it reached Sybrant's house, "known by the sign of the Roebuck," two and a half miles from Elizabethtown, where, with a good assortment of wines and liquors and "Assiduity, Care and Despatch," he hoped for the "Favor and Esteem of the Public." On Wednesday the stage reached Powles Hook and returned to the Roebuck, on its way to Philadelphia. The thrifty Sybrant reaped the profits of entertaining his passengers two nights in the round trip.

Mersereau left Powles Hook for Philadelphia three times a week with his machines, and "good wagons, sober drivers and able horses" were advertised for the patronage of the public. Another left Newark at sunrise and Powles Hook, "sun 2 hours high." Another left for Hackensack, another for Morristown, another for the Great Falls, or Paterson. Verdine Elsworth sent out his "caravan" from the Hook to New Bridge and informed the public that his horses were "very quiet, and the caravan new and in excellent order." To and from almost every point came and went this ceaseless flow of travel, upwards of twenty stages a day, arriving at and departing from Powles Hook. It furnished an easy landing on the Jersey shore of the shortest, best and most promising ferry across the Hudson, and was the starting point of all the travel

toward the south, and nearly all to the interior of the State.

Enterprising capitalists were not slow to estimate the commanding importance of the west shore of the Hudson. It was manifest, that in the development of the country, New England could not forever hold the controlling position she had hitherto occupied. Business and population were moving towards the south and the west, and the natural course of their highway was across the New Jersey shore. Capital and enterprise were quick to notice this movement and at different points placed themselves in positions to reap the advantage of it.

PURCHASE OF POWLES HOOK.

John Stevens had been in possession of Hoboken for twenty years, but it was not until the early part of the year 1804, that the development of the place was begun. Then he caused the land to be mapped and laid out, and "The New City of Hoboken" came into being. On the 20th of March, 1804, he advertised a four days' sale of lots to begin on the 9th of April, two days at the Tontine Coffee House, in the City of New York, and two days at Hoboken.

John B. Coles of the City of New York, on February 4th, 1804, purchased the rights of the conflicting claimants in the "Dutch West India Company's Farm," or, as it was known after the surrender to the English, the "Duke's Farm," at Ahasimus.

This tract was surveyed and laid out into two hundred and ninety-four blocks, each (with the exception of four) containing thirty-two lots, twenty-five by one hundred feet, which were forthwith placed in the market.

The only land left on the west shore of Hudson's River which offered inducements for a settlement with prospects of future greatness was Powles Hook. It was a prominent point on the highway between the east and the south. Here all traffic must be transshipped, and here, if any where in the state, must grow up a great and thriving city. Its natural advantages commended it to several capitalists in New York and Newark. Anthony Dey was authorized by them to negotiate with Cornelius Van Vorst for the purchase of the land and the ferry. At what time this negotiation was entered upon is not known, but it probably began as early as the movements of Stevens and Coles. It was completed by the execution of an agreement, February 22, 1804, by which Van Vorst, for a perpetual annuity of six thousand Spanish milled dollars, secured by an irredeemable mortgage, covenanted to convey to Dey the upland and meadow known as Powles Hook by the following description: "Bounded easterly by the North or Hudson's River; southerly by the Bay or Flatts of the said River; northerly by a Bay called Harsimus Bay and westerly by a creek or ditch which passes from the South Bay or Flatts

till it meets a ditch dug by Major Hunt, and so along to the North Bay or Hudson's River aforesaid, and so to extend into the River and Bays aforesaid as far as the right of the said Cornelius Van Vorst extends, together with the right of ferry from thence across Hudson's River."* It then became important to ascertain if Van Vorst's title was perfect. This duty was assigned to Alexander Hamilton and Josiah Ogden Hoffman. For its performance these two eminent lawyers charged the princely sum of one hundred dollars.

The title of Van Vorst being satisfactory he conveyed to Dey, March 26th, 1804, according to the terms of his agreement. By mutual consent, how-

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* No sooner had the purchase been secured than the attention of the public was attracted to it. In the *Centinel of Freedom*, March 13, 1804, appeared the following:

"*New Speculation*. We understand that Anthony Dey, Richard Varick and Jacob Radcliff, Esquires, of the City of New York, have obtained of Mr. Van Vorst a perpetual lease of the land and premises known by the name of Powles Hook. Application has been made to our Legislature for an act of incorporation for themselves and associates, and leave given to present a bill at the next sitting. It is contemplated to level the place and lay out a regular planned city. It will be divided into 1000 lots valued at $100 each, requiring of every original adventurer six per cent., which amounts to $6000, equal to the sum agreed to Mr. Van Vorst annually. We further understand that some of the most wealthy and enterprising citizens, both of New York, and this State, have embarked in the undertaking; and who knows but that a very few years will make it the emporium of trade and commerce of the State of New Jersey."

In the *New York Gazette*, February 23, 1804, appeared the following: "We understand that Anthony Dey has effected a purchase of Powles Hook, from Mr. Van Vorst, on every advantageous terms. Richard Varick and Jacob Radcliff, Esqrs., with some others, are to be concerned.

"We have no doubt that the State of New Jersey, unless blind to their interests will grant to the Company the most liberal advantages that they might ask; as in all probability it will soon become the capital of New Jersey."

ever, the description of the land conveyed differed slightly from that in the agreement. This was for the purpose of making the westerly boundary line straight, instead of following the creeks and ditch. But the line was a straight one between the mouths of the two creeks. In the deed the description was: "Bounded on the east by Hudson's River, on the north by said River or the Bay commonly called Harsimus Bay, on the south by said River or the Bay commonly called Communipaw Bay; and on the west by a line drawn from a stake standing on the west side of the small creek on the southwest side of the said tract (from which stake the flagg staff on Ellis Island bears south one degree, twenty minutes east; and from which the chimney of the house of Stephen Vreeland on Kaywan bears south fifty-six degrees, ten minutes west, and from which the steeple of the Bergen Church bears north fifty degrees, twenty minutes west), north twenty-six degrees, thirty minutes east to Harsimus Bay aforesaid, together with the right of ferry from the said tract or parcel of land across Hudson's River and elsewhere and the right and title of the said Cornelius Van Vorst under the water of Hudson's River and the Bays aforesaid opposite the said premises as far as his right to the same extends."*

This conveyance was made subject to a lease

* These bounds include one hundred and seventeen acres and sixty-eight one hundreths of an acre, as computed by Mr. N. D. Wortendyke of this city.

held by Major David Hunt which would not expire until the 1st of May, 1805.

The buildings on the Hook at that time were not numerous. Cornelisson's tavern stood near the corner of Grand and Hudson. There were also some stables and a store house. These included all the improvements until about the beginning of the year 1801, when, on the side of the road near the ferry a building was put up and occupied by John Murphy. It was an eating house with the portentious sign "Oygh-stors for Sale Hear." In 1802, Major Hunt and family, John Murphy and wife, and Joseph Bryant constituted the only inhabitants,—said by some to have numbered thirteen, and by others fifteen persons.

By a contemporaneous agreement between Van Vorst and Dey, the latter agreed,

1. To keep in order the causeway over the meadow between the upland of Powles Hook and Ahasimus.*
2. To pay Van Vorst by May 1st, 1805, one half the charges and expenses which Major Hunt had laid out in the building and erecting the new wharf or ferry stairs. This work was done in 1802, at a cost of $1201.54.
3. To pay Major Hunt by May 10th, 1805, for all such buildings erected on the premises (ex-

* This burden was placed on the owner of the ferry, by act of the Legislature, September 12, 1766.

cept the old dwelling house and the two large stables) and which Van Vorst had agreed to pay for.

These buildings were claimed to be "the hay scales, a store house, the shed, six small stables, a large cistern and two pumps!"*

On the 16th, of April, 1804, Hunt agreed to surrender his lease for $600, reserving the right of ferry, and the privilege of three days horse racing on the Hook within the course of the following month.†

By the deed from Van Vorst and the surrender of his lease by Hunt, Dey was in the sole possession of the grant. Up to this time, and indeed up to the 20th of April, 1804, there is nothing on the record to show who Dey's associates in the purchase were. But in an editorial in the *New York Even-*

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* May 6, 1805, the buildings of Major Hunt were valued by appraisal as follows:—

Store on South side of Street near ferry	$125
The 1st, 5th and 6th small stables near River north of store, each $60 .	180
The house shed south of large stable	150
The hay scales, buildings, weights, beams and all iron work at Jersey .	345
	$800

The large stable stood on or near lots 6 and 8 Grand Street. On these two lots Joseph Lyon built the old Hudson House in 1805, for the Associates.

† Dey also agreed to interest Hunt in twenty shares in the purchase of Powles Hook according to the original agreement made between Dey, his Co-proprietors and their Associates, dated February 25, 1804. He also agreed to lease to Hunt "two lots on Block or Square of himself and his co-proprietors on the north side of the main street, being each in breadth twenty-five feet and to extend northerly to the next street so as to comprehend two other lots of the same breadth on that street," the lessee to erect thereon a brick or stone building after plans to be furnished by Dey. Hunt was also to have a lease of the ferry for two years after May 1, 1805, at an annual rent of $1500.

ing Post, of April 12th, 1804, we get some light on the subject;

"The original proprietors are known to be Mr. Varick, Mr. Radcliff, and Mr. Dey. The trustees in New York are Archibald Gracie, John B. Coles, W. W. Woolsey, Isaac Hicks, Samuel Boyd, etc.; in New Jersey, Governor Bloomfield, Judge Pennington, John N. Cumming, William Halsey, John Rhea, with several other gentlemen of respectability and wealth, both in New York and New Jersey." Who the "several other gentlemen" were we will find out further on, but the character and wealth of those named were sufficient to insure the success of the enterprise.

SALE OF LOTS ADVERTISED.

On April 12th, 1804, the proprietors advertised a sale of lots at Powles Hook, and so much of the early history of the enterprise is inserted therein, that I will be excused for quoting it:*

* In the same paper the editor said: "On reflection it will strike every one who has been obliged to abandon the City at the introduction of pestilence, in the summer months, that nothing can be more desirable than to have such a place of resort as this will be. We have therefore taken some pains to make ourselves better acquainted with the subject in detail than we could become from a perusal of the advertisement itself. And being impressed with a belief of the immense advantages the settlement of this place must be to the City, we shall present the public with the result of our enquiries. First, the crossing from New York to this part of the Jersey shore is generally accomplished in one third less time than it is between any two ferries over the North river, in the same vicinity. In winter time it frequently happens that the river is impassable at any other place near it.

There are upwards of twenty stages running daily to and from Powles Hook.

The proprietors mean, we understand, to level and fit the ground for building at their own expense, and to build wharves on all the south and east side of it.

"The proprietors of Powles Hook have lately completed their purchase, and agreed with Mr. Hunt, the present occupant, to deliver the possession of the premises to them (except the ferry buildings now occupied by him) and they give notice that they will commence the sale of lots at Powles Hook at public vendue on Tuesday the 15th day of May next,* at Powles Hook and on the succeeding day at the Tontine Coffee House in the City of New York. The sales will commence at 12 o'clock at noon each day. A map of the whole ground will be exhibited, and the conditions of sale made known by the first day of May next,† at

* "We think it of importance to communicate to our readers, that on the 15th of May inst. at 12 o'clock, the sales of lots will commence at Powles Hook. The State of New Jersey is highly interested in Powles Hook becoming a commercial city; and the country adjacent must feel a pleasure in promoting its welfare, as the increase of a city in that place must create a ready market for a large district of New Jersey, and of course add to the value of the land and the interest of the State."—*Centinel of Freedom, May* 1, 1804.

"The public will perceive by the advertisement of the proprietors of Powles Hook that to-morrow is their first day of sales. From the spirit with which this interesting enterprise is begun and from the respectability and large capital of those gentlemen who are at the head of it, we may anticipate the most flattering and rapid success. It can be but a very few years before a town will appear on the Jersey shore, rivaling in beauty any village upon the Hudson.

"The plan of the proposed town is laid out in a most liberal and elegant manner. Care has been taken to provide for well ventilated and well watered streets. The situation will be as eminently calculated to preserve health, as it is favorable to every sort of business. From what we hear, there will be bidders in the market from every part of the State of New Jersey."

N. Y. Evening Post, May 14, 1804.

† On May 5th, 1804, the following was added to the Notice of Sale:

"Terms of Payment.

Ten per cent. of the purchase money to be paid on the day of sale.
Fifteen per cent. in 90 days, for which an approved note will be accepted.
One third of the residue on the first day of May, 1805.

the office of Mr. Dey, No. 19 Pine Street in the City of New York, and also on the days of sale.

"An accurate survey of the premises is now making, which will include the extent of the grounds both at low and high water mark, and the soundings in the river to the depth of sixteen feet at low water, for the purpose of building docks or wharves at proper distances in the channel, which closely approaches the shore along the whole front upon the river.

"The different elevations of the grounds will also be accurately taken, in order to ascertain a proper

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One third thereof on the first day of May, 1806.

Remaining one third on the first day of May, 1807, with interest on the two last installments from May 1st, 1805."

"To Dock Builders.

Proposals will be received at the office of Anthony Dey until the 20th of May instant, to build by contract, two wharves on the Hudson's River to the depth of 12 feet at low water."

"To Cartmen.

A number of Cartmen and Labourers will also find employment in digging and removing part of the grounds at Powles Hook."

The map was not exhibited at the time promised as appears by the *N. Y. Evening Post* of May 15, 1804: "We understand that Mr. Mangin's Map of Powles Hook which exhibits the plan of the town and is executed with much elegance and taste, will be put up in the Coffee House this evening or to-morrow morning. Those who are inclined to become purchasers will therefore have an opportunity to examine it before the sales in this city which commence to-morrow at 12 o'clock. The map we are told, would have been earlier submitted to the public inspection if the artist had not, by bestowing on it uncommon pains, made it impossible to complete it sooner; his labor, however, has been well applied, and his work does him great credit." The sale did not proceed, possibly more for the reason that the map was not ready than for the "bad weather," which was the alleged cause of adjournment to the 12th, 13th and 14th of June. Perhaps the cloud that was settling on their title to the land under water gave yet a more controlling reason for postponement. Time was needed to disperse it.

height for the central streets, from which the most advantageous descent will be given in every direction to the water. It is proper to notice, that the whole premises will be surrounded by the waters of the Hudson. The tide at present, unless obstructed, flows through a small ditch in the rear, which extends from the North to the South Bay. A straight canal, along the line by which the proprietors are bounded on the west, is proposed to be opened of sufficient depth, and dimentions for the passage of flat bottomed boats, by which the whole tract will be insulated, and possess the benefits of navigation on every side.* The natural shape of the

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* On this line, in June, 1805, Van Vorst proposed to the Associates to dig a ditch, "to keep cattle from getting on his land." The ditch was of sufficient depth and width for the passage of small boats, but whether dug by Van Vorst or by the Associates or both combined, I do not know. It is certain, however, that Van Vorst's proposition was made more than a year after the above advertisement. As appears by the act of 1820, incorporating "The Board of Selectmen of Jersey City," this ditch was "the boundary line between the Jersey Associates and the lands of Cornelius Van Vorst, deceased."

When was it dug and what part of it was the boundary line? The proposition to dig it is conclusive that it had not yet been dug. It is probable that Van Vorst having waited more than a year for the proprietors to perform their promise, did the work as a fence for his cattle. His proposition was to dig it on his own land. If thus dug the easterly side of it was probably the boundary line.

It is possible that the Associates found themselves too heavily burdened to construct the canal as they had proposed. But their pecuniary inability to perform did not detract from the greatness of the idea. It was a conception worthy of practical business men. It suggested something better and farther reaching than a fence for cattle. It suggested a water-way for commerce on the westerly boundary of the purchase, through which vessels could pass to and from the river, and on whose banks could be located lumber and coal yards, foundries, furnaces and factories needing transportation by water. But this canal long since passed into the region of the Impossible, and even Van Vorst's ditch, through which small craft was accustomed to pass, became the victim of

grounds, connected with these and other advantages, will also furnish a fair opportunity to determine by experiment, how far local situation, with the aid of proper regulations will tend to protect the health of its inhabitants. This is an object which shall receive an early and strict attention.

"It has probably been already understood, that the proprietors could not effect the purchase on any other terms than that of a perpetual annuity to the former owner, commencing from and after the first day of May, 1805, which is chargeable on the premises, and they are aware that without explanation

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"solid filling." The building lots thus gained have yielded a beggarly return for the sacrifice.

But what shall be said of that greater error, that more suicidal policy of the municipal authorities which permitted the closing of Mill Creek? Through this creek vessels of considerable burden frequently passed entirely around the Island of Harsimus. It was a natural highway and the key to the City's future greatness as a commercial and manufacturing centre.

Being a tide water creek through the marsh, it could at a trifling expense have been widened and deepened sufficiently to admit large vessels. With gates at each end to retain the water at flood tide and a system of sewerage based on utilizing the water of the canal for flushing the sewers at low tide, the future of the City would have been assured. With the canal around Powles Hook, and Mill Creek around both Powles Hook and Ahassimus kept open, enlarged and deepened, the place would have been two islands surrounded by navigable water. By suffering them to be closed the authorities,

"Like the base Indian threw a pearl away
Richer than all his tribe."

These blundering administrators of the public interests shut their eyes to the great advantages of these water ways through the City, and wasted their opportunities in clamoring for a frontage on the river. The possibility of the canals is gone forever. The "benefits of navigation on every side" which the founders foresaw and provided for are beyond the power of realization, and the frontage on the river for the public which, to these short-sighted men, was of greater importance than all else, has shrunk to the end of one street!

How can the justice of the future, though imbued with the charity that "beareth all things, endureth all things," forgive the stupidity of the past?

this might be considered as an objection in the minds of scrupulous individuals. On this subject the fullest satisfaction will be given. An ample provision will be made by the institution of a fund to be vested in trustees, equivalent in its annual product to the amount of the annuity, which shall be solely appropriated to that object until the right can be extinguished. In addition to this fund a small ground rent will be reserved which alone in the aggregate, will be equal to this annuity, and will also be pledged for its payment. The manner of providing this fund, and of pledging the ground rent as an additional security will also be shown on the first day of May next, at the office of Mr. Dey. The gentlemen already associated with the proprietors, and interested in the purchase, in this State and the State of New Jersey, are numerous and respectable, both in property and character, and are determined to enter into the most effectual arrangements for this purpose, and, if it shall be deemed expedient, they have no doubt that legislative aid will be afforded. The contract for the purchase of Powles Hook was made a few days before the Legislature of New Jersey, at their last session, adjourned. An application for a partial incorporation, with powers adequate to this object as well as to the purpose of local regulation and police, was then made, but the legislature having resolved to adjourn, there was no time for them to act upon it with effect. Sensible

however of the importance of promoting the establishment at Powles Hook, the committee to whom the petition* on this subject was referred, in the Honorable the Assembly of that State, made the following report, which was adopted by the House:

"HOUSE OF ASSEMBLY,
February 29th, 1804.

"The Committee to whom was referred the petition from a number of inhabitants of the States of New York and New Jersey, praying an act of incorporation to assist them in erecting a city at Powles Hook; *Report,*

"That your committee having gone into a considerable investigation of the subject submitted to their consideration are of opinion that this State would derive important advantages from the establishment contemplated by the petitioners, at the same time considering it a matter which ought to be thoroughly investigated; knowing the situation of the Legislature at a very late hour of the session; and conceiving no serious inconvenience can arise from a few months delay are of opinion the petitioners ought to have leave to present a bill, agreeably to their request, on the first Monday of the next sitting of the Legislature."

"From these proceedings and the obvious advantages which in a public view must attend the success of the establishment at Powles Hook, there can be no doubt but it will receive the patronage of that State. The people of New Jersey cannot be insensible to their interest on this occasion, and there is reason to believe that they are fully impressed with the importance of the object. The natural advantages of the place, its healthy situation, the hope of protecting it, by immediate regulations

* This petition I have been unable to find.

for that purpose, against the dreadful scourge which has so long afflicted some of our principal cities, its vicinity to this City, and to the ocean, the benefits of an easy and free navigation, the patronage of the State to which it belongs, the expectation of its being soon made a port of entry,* and its claims to the privileges of other commercial establishments, are considerations which must readily occur to every reflecting mind and afford sufficient inducements to men of capital and enterprise, to secure to themselves a portion of the advantages which it promises."

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CONFIDENCE OF THE PROPRIETORS.

There can be no doubt that the projectors of the enterprise had unbounded confidence in its speedy and complete success. Their admiration of the City that was to be, was unbounded. They looked into the near future and saw what Æneas beheld when the followers of Dido were rearing the walls of Carthage.

"Miratur molem Æneas, magalia quondam:
Miratur portas, strepitumque, et strata viarum.
* * * * pars ducere muros,
Molirique arcem, et manibus subvolvere saxa:
Pars optare locum tecto, et concludere sulco.
Jura magistratusque legunt, sanctumque senatum.
Hic portus alii effodiunt: hic alta theatris
Fundamenta locant alii, immanesque columnas
Rupibus exidunt, scenis decora alta futuris."

* On March 8th, 1806, "The town or landing place of Jersey," in the State of New Jersey, was made a port of the delivery, within the District of PerthAmboy.

Its success finally came, but not in the manner nor at the time contemplated, nor at the hands of those then in control. Other interests had to be created and brought to the front before its sucess could be assured.

POWLES HOOK MAPPED.

In the description by which Powles Hook was conveyed the only definite line was on the westerly side of the tract. That began at a fixed point and ran a certain course. But the map made by Joseph F. Mangin, a sworn surveyor of the City of New York, marked the lines definitely. All the streets were laid at right angles. On the east side was Hudson street, shown by the map to be in the water of the river. Only at the foot of Morris Street did it touch the shore. From Hudson, fourteen streets were laid on parallel lines extending to the westerly boundary of the tract. Harsimus (now First) Street marked on the map the north boundary and South (now Mason) Street the south boundary. The westerly line began where the easterly line of Van Vorst now intersects South Street, thence in a straight line to Harsimus Street just west of the westerly side of Washington Street. These boundaries show the south side of the tract to have been double the length of the north side—four blocks and two blocks. There was less upland in the purchase than marsh and land under water. The upland

(with the exception of North Point) formed almost a circle and nowhere extended more than one hundred and twenty-five feet north of Montgomery Street, and one hundred and seventy-five feet south of Essex Street. On the map were laid down 1344 lots.

TITLE TRANSFERRED TO THE PROPRIETORS.

Notwithstanding the great interests at stake, the expenses incurred for improvements and the preparations for a public sale of lots, the title to the purchase yet remained in Anthony Dey. Steps were now taken to place the title in himself and his co-proprietors.

On April 18th, 1804, Dey conveyed to Abraham Varick the tract as he purchased it from Van Vorst. On the next day, April 19, 1804, Abraham Varick conveyed to Richard Varick, Jacob Radcliff and Anthony Dey "Blocks or Squares, numbered V and VI, each containing thirty-two lots, as marked and numbered on Mangin's map; also the wharves and the right of soil from high to low water mark to extend from north to south, the breadth of four hundred and eighty feet in front on Hudson Street; to wit, from York Street to Sussex Street, and including Grand Street as the streets are designated and called on said map, with the land under water in front of said squares, with the exclusive right of ferry from every part of Powles Hook." At that

time the ferry stairs were at the foot of Grand Street and this conveyance covered the block north and the block south of the ferry.*

On the next day, April 20th, 1804, Abraham Varick conveyed to Richard Varick, Jacob Radcliff and Anthony Dey, as joint tenants, Powles Hook, by the description of the place in Van Vorst's deed, excepting what he had conveyed to them by the deed of the previous day.

SERIOUS QUESTIONS ARISE.

As the time set for the sale of lots on the Hook was approaching (May 15th) and as the place was covered by a mortgage to secure the annuity to Van Vorst, it became necessary, if possible, to devise a scheme of sale and indemnity which would satisfy purchasers. The Van Vorst mortgage was a lien on all the place and no lot could be purchased

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* What was the object of this conveyance? Why was it made one day before the whole tract, less these two blocks, was conveyed to the same grantees? *Vide, Foot Note* † *p.* 27, where Dey, as early as February 25th, 1804, speaks of the "block or square of *himself and his co-proprietors.*" That was one of the blocks now conveyed. Was it the original intention of Varick, Radcliff and Dey to reserve these blocks to themselves? They did afterwards decide to sell the lots in these blocks, at the vendue on May 15th, as per the following advertisement:

"The proprietors of Powles Hook give notice, that they intend at the time mentioned in their last advertisement, to sell the lots in two blocks fronting on the North River, on Hudson Street, one at the south point of the highland and the other north of the ferry stairs, and will proceed immediately to build a wharf and bulkhead, as laid down on the map of the ground. They offer however, to the purchasers of the said lots fronting the River, that if they will unite within ten days after the sale and agree to take the water lots at the same price the lots in the blocks fronting the river sell for, and build a wharf and bulkhead without delay, that they shall receive a conveyance therefor."

free from the burden. On April 21st, 1804, the proprietors entered into a covenant with all who should become purchasers of lots in the tract, that the proprietors would sell as many lots, charging each lot sold with such a reasonable annual rent, less than its annual value, as would produce in the aggregate the annual sum of eight thousand dollars, and that so much of said fund as might be necessary, should in the first instance be applied yearly to the payment of said annuity, the surplus to be divided among the proprietors, and when the annuity should be extinguished, the whole of said annual sum to go to the proprietors. They further covenanted to unite with the purchasers in applying for the incorporation of trustees in whom so much of the said annual sum as was pledged for the discharge of said annuity should be vested.*

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* The form of this covenant was, April 19, 1804, submitted by the proprietors to the approval of General Hamilton and Mr. Hoffman in the following language:

"Sometime since Powles Hook was purchased for our mutual benefit from Mr. Van Vorst at a rent charge upon the whole of $6000 per annum forever.

"We have agreed to lay it out into town lots and dispose of it to purchasers, receiving a rent charge upon each lot. We are desirous to give to each purchaser a good and sufficient deed of conveyance, and also to provide for the payment of the annuity to Mr. Van Vorst in such way as will appear best calculated to give security to the purchasers. We enclose you a draft of the covenant we propose to make with all the purchasers and to have it recorded in the office of the Clerk of the County of Bergen for their general benefit."

Along with the covenant was the form of a deed which the proprietors proposed to use and upon which the counsel's opinion was requested. In a further letter upon the subject, dated April 20th, 1804, the proprietors say: "Probably it will be wholly out of our power to induce Mr. Van Vorst, from whom we purchased, to accept of any other property instead of a mortgage of the premises to secure his annuity, and he will certainly not allow it to be ex-

This plan for raising the funds to pay the annuity was considerably changed by the "Articles of Association" dated October 11, 1804.

Another question, however, arose which gave the proprietors more anxiety than the one of satisfying purchasers as to the Van Vorst mortgage. It was of the first importance that they should have ownership in the land not only between high and low water mark, but as far out into the river as might be necessary to reach navigable water. They were about to erect a city, which, instead of being an inland town, they fondly hoped would become a commercial city, from whose wharves vessels laden with domestic products would go down to the sea, and returning bring hither the products of foreign lands. "The harvest of the river is her revenue." But to them that harvest was a mockery, if their approach to the navigable part of the river was in the option of their enemies. They entertained no doubt that the State of New Jersey would deal liberally with them and give them the right to extend their enterprise out to deep water in the Hudson and appropriate to their own use the land under water on which their improvements might be made, but they were uncertain what the City and State of New

tinguished by accepting any equivalent. We are therefore obliged to provide the best security to purchasers which the case will admit, and we are inclined to believe the deed and the covenants we offer will be sufficient."

The mortgage to secure the annuity was devised by Van Vorst to his son John, who assigned it to Col. Varick, March 12, 1824, and he assigned it to the Associates, November 18, 1830.

York might do in the premises. The claim was seriously made that the State of New York not only had jurisdiction over, but the ownership of the land up to low water mark on the New Jersey shore, and that the corporation of the City of New York was entitled by virtue of its charter to exercise municipal authority up to the same line. If this claim was tenable the new enterprise was strangled in its birth. If the State of New York owned the land up to low water mark, and the City of New York had jurisdiction over the location and erection of piers and wharves, Powles Hook might as well have remained a cabbage garden. As a city aspiring to commercial intercourse with other places by water it would be a conspicuous failure. But the sand hills on the west side of the Hudson had once thundered their defiance on a foreign foe, and their present owners did not hesitate to accept the challenge for a legal contest with their big foe on the east side of the river.

On April 19th, 1804, they wrote to their counsel, Messrs. Hamilton and Hoffman, as follows:

"An opinion is entertained by some persons that the proprietors of Powles Hook have no right to the ground under water below low water mark on their shore, some imagine that the Mayor, Aldermen and Commonalty of the City of New York have the right of property, and others contend that the State of New York has the right of jurisdiction to low

water mark: we submit the following queries to you and request your answer thereto:

"1. Whether the Corporation of the City of New York have any right of property to the land under water opposite Powles Hook?

"2. Admitting the State of New York has the right of jurisdiction to low water mark at the Jersey shore (which New Jersey will not admit), would wharves and docks into the water below low water mark thereby become subject to the jurisdiction of New York, or would it by accession belong to New Jersey?"

In their great anxiety to be informed on this vital matter, Mr. Radcliff again wrote to their counsel on April 20th, as follows:

"As to any right of property claimed by the corporation of this City to the land under water we have ourselves no doubt that it is wholly unfounded, and if you should be of the same opinion we wish it to be expressed. This will in the first instance depend on the Charter of this City. With respect to the claim of jurisdiction by this State we at present wish your opinion only on the proposition that it extends to low water mark on the Jersey Shore. It is thus far claimed by this State but resisted by New Jersey, and we are informed that on the water an interfering Jurisdiction has in fact been exercised in the few cases that have occurred. The question on the hypothesis we make is whether the increase of

territory by wharfing or any extension of the western Bank of the Hudson would not of course belong to the Jurisdiction of New Jersey, whatever may be the present claim of this State upon the water? If it would belong to New Jersey, within the Jurisdiction of which of the States would vessels lying at wharves constructed there be deemed to be."

Before the opinion was obtained, Mr. Radcliff again wrote to their counsel as follows:

NEW YORK, MAY 1st, 1804.

Gent'n,

It being deemed important to obtain an early opinion on some of the points submitted to you, the gent'n associated with me will thank you for an answer, at present to the questions stated on the enclosed paper.* The other points concerning the claim of *property* or *Jurisdiction* of this state to the land under water require perhaps too much investigation to be immediately disposed of, and are therefore proposed to be deferred. At the same time if you have not definitively formed your opinions on the question of *Jurisdiction* as *first stated*, I wish you once more to think of it in that light. On the general question it may be useful to mention that I find by Smith's History of New Jersey, page 156–7, that the Duke of York, of the 14th March, 1682, made a new grant to the twenty-four proprietors of east Jersey, which is there mentioned in a note to be "more full

* Questions submitted to Mr. Hamilton and Mr. Hoffman, in the foregoing letter:

1. Have the Corporation of New York any title to the land under the water of Hudson River opposite to and adjoining Powles Hook?

2. Have not Congress the power to make Powles Hook a Port of Entry?

3. Are the covenants contained in the draft submitted and marked No. 1 proper on the part of the proprietors and valid in law?

4. Will not Deeds according to the draft No. 2 be also proper and valid?

5. Will not the execution of the plan proposed by the covenants and Deeds above mentioned afford an adequate security to purchasers?

6. The proprietors holding their estate in the premises in joint tenancy, can their wives have any though they do not execute the Deeds?

and express than any that went before." The grant itself is not given but it is stated to be published in A. Leaming, and J. Spicer's grants, concesions &c. These books I have not seen and do not know at present where to find them.

I also observe by Smith's History of New Jersey, page 211, &c., that in 1702 the proprietors of both East and West Jersey surrendered their pretensions to the Govt. of that Country to Queen Anne, and she thereupon appointed Lord Cornbury Gov'r and instituted one regular Provincial Govt. over the whole but the extent or boundaries of the province are not defined. About this period too the laws of New Jersey as published in their present code appear to have commenced.

I also take the liberty to refer you to Vatt. 6, 1 ch. 22 s. 269, as to the general rule where Countries are divided by navigable rivers, and to Harg. law tracts 22, 36, as to the right of navigation which remains in the *Public* notwithstanding the grant of a river, &c., to a subject. If the position be correct that a *right of passage* to and from the adjoining territory remains in the public and cannot be granted by the Crown, will it not follow that every thing necessary to the full enjoyment of that right (as by wharfing, &c.,) equally remains? Is not in this case the right of navigation in the public, the principal right to which all others must yield?

I have looked at the constitution of the United States and find nothing there that appears to me to deny the power of Congress to make Powles Hook a Port of Entry.

An additional question is stated within as to Dower respecting which I presume you will have no trouble. It is desired to be mentioned merely for the satisfaction of purchasers.

It is to be regretted that a full reply of these eminent counsel to the queries submitted has not been found. Their conclusions, however, were submitted to the proprietors as follows:

New York, May 3, 1804.

Gentlemen,

Having attentively considered the subject of your letter of the 19th April last, and the questions submitted to us,

we shall now communicate the result of our reflections on the several questions in the order they are stated.

Question 1. Have the Corporation of New York any title to the land under the water of Hudson's River opposite to and adjoining Powles Hook?

Answer.

Comparing the provisions in the different parts of the Charter of New York, with each other, we are of opinion that the Corporation of this City have no right of Soil in or title to the land, under the water to and adjoining Powles Hook.

2. Are not the covenants contained in the drafts submitted and marked No. 1, proper on the part of the proprietors and valid in law?

3. Will not deeds according to the draft No. 2 be also proper and valid?

Answer.

We judge it proper to answer these questions together as the proposed draft of a deed No. 1, and considering them in connection with our opinion, they are proper and valid in law.

4. Will not the execution of the plan, proposed by the agreement and Deed above mentioned, afford an adequate security to purchasers?

Answer.

Confiding in the faithful executions of the plan, proposed by the proprietors, we think there will result an adequate security to purchasers. We are Gentlemen,

Yr. Obt. Svts.

RICHARD VARICK, A. HAMILTON,
JACOB RADCLIFF, JOS. OGDEN HOFFMAN.
ANTHONY DEY,

The City of New York through its Common Council immediately began to defend their claim of jurisdiction and property. They submitted to counsel for their opinion the following:

"The proprietors of Powles Hook having it in

contemplation, as appears from their advertisement dated the 5th inst., to sell lots and to build wharves in order to promote the success of their establishment, it becomes interesting to the Corporation of the City of New York, to ascertain how far their rights will be infringed by the sale of the land under water, and by the erection of wharves. For this purpose the following questions are submitted to your consideration, and you are requested to answer them in writing:

"1. Have the Corporation a right or title to the land under water opposite to and adjoining Powles Hook?

"2. If the Corporation have not a right or title to the land does the same belong to the State of New York?

"3. Have the Corporation a right of jurisdiction over the land covered with water opposite to and adjoining Powles Hook?

"4. If the Corporation possess a right of jurisdiction over the land, can wharves be built unless by their permission, and under their direction?"

Under date of May 19th, 1804, an answer to the above questions was submitted by Robert Troup * as follows:

"I have maturely reflected upon the preceding

* *Robert Troup*, b. 1757; d. 1832; graduated from Columbia College, 1774; studied law with John Jay, completing same with William Patterson of N. J.; was a Judge of the U. S. Dist. Court of N. Y.; was a warm personal friend of Mr. Hamilton.

questions, and the following are respectfully submitted as my answers to them :

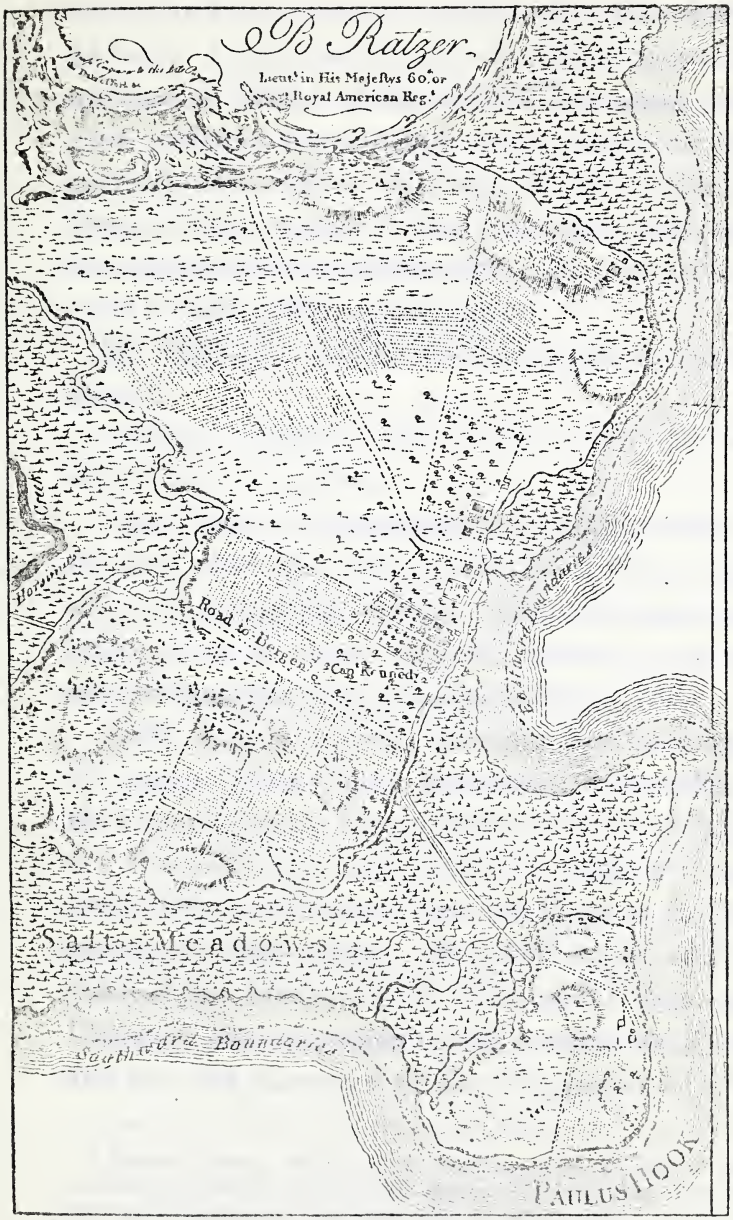
"To the first question I answer, that upon a perusal of the Charter of New York, I am of opinion, that the Corporation have no right or title to the land under water, opposite to and adjoining Powles Hook.

"In answer to the second question I observe that the grant of King Charles II. to the Duke of York, bearing date the 12th March, 1664, grants to the Duke the whole of Hudson's River ; and the subsequent release of the Duke to Lord Berkeley and Sir George Carteret, bearing date 24th June, in the same year, bounds the Colony of New Jersey, *on the east partly by the main Sea and partly by the Hudson's River :* and the several acts of the Legislatures of the Colonies of New York and New Jersey, for establishing the boundary line between the Colonies, the one passed the 16th February, 1771, and the other the 26th September, 1772, determine that the Northwest boundary line of the Colony of New Jersey, and the southwest boundary of the Colony of New York, shall be a straight line from the fork or branch formed by the junction of the stream or waters called the Mahackmack, with the River called the Delaware or Fishkill *to a Rock on the west side of Hudson's River,* marked by the Surveyors in the latitude of forty-one degrees. These different documents I have attentively considered,

and I think a sound construction of them warrants an opinion that the right and title to the land under the water opposite to and adjoining Powles Hook, are vested in the people of the State of New York. To the third question I answer, that the Charter, after defining the limits and jurisdiction of the City on the side of West Chester and Long Island and extending them to the South side of Red Hook, proceeds to declare that the same shall run from the south side of Red Hook on 'a line across the North River, so as to include Nutten Island, Bedlow's Island, Bucking Island and Oyster Island to low water mark on the west side of the North River, or so far as the limits of the Province of New York extends there, and so to run up along the west side of the said river at low water mark, or along the limits of the said Province until it comes directly opposite to the river or creek' called Spuyten Duyvel.

"I am therefore of opinion that the Corporation have a right of jurisdiction at least as far as low water over the land covered with water opposite to and adjoining Powles Hook.

"To the fourth question I answer, that by the express terms of the Charter, the wharfage of all wharves within the limits of the City is granted to the Corporation; and it appears to me a fair conclusion from the Charter that the Corporation are entitled to exercise its discretion as to the places



POWLES HOOK AND BOUNDARY LINE CLAIMED BY NEW YORK.

where, and the manner in which the wharves shall be built. I am consequently of opinion that every attempt to build a wharf beyond low water mark (and probably beyond high water mark) on land covered with water, opposite to and adjoining Powles Hook, unless by the permission and under the directions of the Corporation will be an infringement of their jurisdictional rights."

Mr. Harison's opinion on the subject was as follows:*

"Having examined the several questions above stated, I am of opinion,

"1st. That the Corporation has no right or title to the land under the water of Hudson's River, opposite to and adjoining Powles Hook; the same not being given to them by their charter, or by any other means that I am acquainted with. But,

"2dly. I am of opinion that such land belongs to the State of New York; because it is included in the Grant made by King Charles II. to his Brother, the Duke of York, and not, in my judgment, comprehended by the grant from the Duke to the Proprietors of New Jersey. It is well known that so much of the land between Connecticut River and Delaware Bay, as passed by the grant to the Duke, and was not conveyed to the Proprietors of New

* Richard Harison, well-known as Recorder of N. Y. City, b. 1748; graduated from King's College, 1764; admitted to the Bar, 1769; delegate to the Federal Constitutional Convention, 1787; d. Dec. 7, 1829.

Jersey, reverted to the crown upon the accession of James the Second, and formed the Colony of New York, or part of it. And it is to be observed that in settling the disputed boundary line between the Colonies of New York and New Jersey, the line of separation, or north line of New Jersey, was not extended farther east than to a rock on the west side of Hudson's River, thereby showing that New Jersey was not considered as extending farther eastward. This line was sanctioned by legislative acts of both Colonies.

"3dly. I am further of opinion that the right of jurisdiction over the land above mentioned, under the water of Hudson's River, is vested in the Corporation: First, Because their charter extends the city to the west shore of Hudson's River, or to the west bounds of the Colony of New York; and Secondly, Because of the County of New York, according to the act of the Legislature dividing the state into counties, is bounded by the State of New Jersey to the westward or the west side of Hudson's River.

"4thly. In answer to the fourth question, I beg leave to say that I incline to the opinion that no wharves can lawfully be built on the west side of Hudson's River, opposite to Powles Hook, unless by permission, and under the direction of the Corporation; nor at any rate, without a grant from the state for the land to be covered by them."

Relying on the correctness of these opinions, the

Common Council of New York on June 4th, 1804, issued the following warning:

"The Board having been informed that sundry persons have lately undertaken to construct wharves within the bounds of this City between high and low water mark, on the west side of Hudson's River, without any authotity for so doing from the people of the State of New York, or from this Board, Do hereby give Public Notice, that such encroachments being made without their permission or consent must be at the peril of the persons concerned."

AUCTION SALE A FAILURE.

It was alleged that the sale set down for May had been postponed on account of bad weather; now it would take place on the 12th, 13th and 14th days of June.* Yet, these days came and went, and notwithstanding public announcement to the contrary† no record has been found to justify a be-

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* *Powles Hook.* The proprietors having found it necessary on account of bad weather to postpone the sale of lots at Powles Hook, give notice that the sales will be renewed on the 12th day of June next at Powles Hook; on the 13th at the Tontine Coffee House in the City of New York, and again on the 14th at Powles Hook, at 12 o'clock each day.

N. Y. Evening Post, May 18, 1804.

† On June 2, 1804, the proprietors announced their intention to sell 100 to 200 most valuable lots at Powles Hook on the 12th, 13th and 14th.

"A number of the lots were sold yesterday to persons who are likely to become immediate settlers on the property."

N. Y. Evening Post, June 14, 1804.

"*Powles Hook.* The sale of lots commenced yesterday on the premises. It will be continued there at 11 o'clock this day. Those persons incliuing to

lief that a single lot was sold. It is settled beyond question that, prior to the transfer to the Associates no deed had been given for a lot, and contracts for the sale of seven lots only had been made by the Proprietors. Three of these were dated in May, and three in June, 1804. The cause of this failure probably lay in the controversy just referred to.*

What prompted the authorities in New York to take the step they now took in this controversy is a

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purchase, will do well to attend at the appointed hour, as the races begin between 1 and 2 o'clock, before which time the sale will be closed."

Daily Advertiser, June 14, 1804.

"The Powles Hook races commenced on Wednesday; but the sport was not so great as was expected. The purse of 250 dollars was won by Messrs. Williamson and Shute's Omego—but the general opinion on the ground was, that Sir Harry, Omego's opponent, was held in too strongly by the rider.

"Yesterday Sir Harry took the purse against a small brown, whose name and character we are unacquainted with. There were but very few gentlemen of the turf on the ground; and, upon the whole, the race was but a shabby one. The gambling tables were more crowded than the race ground.

"It is said four horses are to run this day at two o'clock."

N. Y. Gazette, etc., June 15th, 1804.

Vide Foot Note * p. 18.

* When the title was transferred to the Associates of the Jersey Company, by the Proprietors, the following schedule of lots which they had agreed to sell was annexed to the deed. The Company covenanted to carry out the contracts.

DATE OF CONTRACT	PURCHASER, NAME OF	NO. OF LOT	CONSIDERATION	RENT CHARGED ON EACH LOT
1804				
May 15	John B. Coles	34 & 36 Morris Street	$450	$12
" 16	Philip D. Keteltas	25 Morris Street	230	12
" 16	James Abeel	48 Montgomery Street	200	12
June	Adam Hurd	40 Morris Street	250	12
"	Joseph Lyon	42 Morris Street	250	12
" 14	Robert Allison James Morton	30 Montgomery Street	200	12

matter of doubt. Whether it was pity for those of their own citizens who had invested their money in the enterprise at Powles Hook, or whether it was a bid for them to ask as a favor what they claimed as a right cannot now be stated. Certain it is, however, that on June 26th, 1804, the Common Council of the City of New York adopted and promulgated the following:

"*Whereas* sundry persons, Inhabitants of the City of New York have become the proprietors of Powles Hook, and other parts on the Western side of Hudson's River and are disposed to make valuable improvements thereon, and we being willing that the said improvements should progress, being of opinion that the same would greatly tend to the convenience of the inhabitants of this city in case of a return of the epidemic, and

"*Whereas*, the late publication of a resolution of this Board has tended to impress the public with sentiments of hostility on the part of this Board with respect to such improvements.

"*Therefore Resolved*, that this Board entertain no sentiments hostile to the interests of the Proprietors aforesaid, and that the Common Council will give them every facility in making improvements not inconsistent with the rights of this State or those of the Mayor, Aldermen and Commonalty of the City of New York."

This seems to have been the last word in the con-

troversy between the City of New York and the founders of Jersey City.

BOUNDARY DISPUTE SETTLED.

The wrangling and dispute between the two states had been carried on from their earliest history—New York claiming jurisdiction and ownership to the west shore; New Jersey claiming jurisdiction and ownership to the middle of the river. The treaty between the states in 1834 did not bring peace, plain though it seemed to be. It was not until 1889 that the boundary line was definitely established where the boundary settlement of 1834 and the decision of the Court of Appeals of New York placed it, the *filum aquæ*. But while the controversy lasted, especially before the settlement of 1834, it was a serious hindrance to the growth of Powles Hook and Jersey City. The uncertainty which it engendered frightened purchasers and settlers.

THE ASSOCIATES OF THE PROPRIETORS.

Although improvements to a limited extent were going forward—wharfing, digging down and regulating a part of the ground—and preparations were being made for the sale of lots, the title to the property remained in Varick, Radcliff and Dey, who were known as the proprietors. Others were and from the beginning had been interested with

them. These were known as the Associates of the proprietors.* I have already given the names of some of these associates. We have now reached a time in the history of this enterprise, when I am enabled to give the names of all of them, with the amount of interest which each one had in the purchase.

In a paper entitled "Articles of Association," dated October 11th, 1804, now on record, executed by the proprietors as parties of the first part and their associates as parties of the second part, it was among other things recited that said tract had been surveyed and laid out into streets and blocks or squares before the transfer of title to Varick, Radcliff and Dey, and that they had divided the tract into one thousand original shares, and that the associates had become interested in different numbers of shares. To provide for the annuity both parties in this paper agreed "that the proceeds or income of the ferry should in the first instance be pledged and appropriated to the payment of said annuity, and that such of said lots as are marked on the map to be charged with the payment of rent † shall,

* *Vide* agreement of Oct. 11, 1804, in Liber A. of deeds in Register's office. This fact probably suggested the name of the Company afterwards incorporated.

† The following are the lots and rent charges mentioned on the Map:

40 lots on Hudson Street, in squares Nos, 3, 4, 5, 6 & 7 at $20 each,	$800
64 lots on Grand Street, in squares Nos. 5, 6, 18, 19, 30 & 31 at $15 each,	960

from time to time, be sold subject to a rent charge on each of said lots or on so many of them as shall together with the proceeds or annual income of the ferry be adequate to, or constitute an annual fund of $8000 or upwards to be in the first place applied to the payment of said annuity, and the remainder of said fund in each year to be appropriated to the use of all the parties to these presents and divided among them in proportion to their respective interests in said one thousand shares." This agreement was signed as follows :—

Richard Varick	one hundred shares
Jacob Radcliff	one hundred shares
Anthony Dey	one hundred shares
Joseph Bloomfield	twenty shares
J. N. Cumming	fifty shares
William Halsey	fifty shares
Alex. C. McWhorter	thirty shares
Elisha Boudinot	fifteen shares
Sam'l Boyd	twenty shares
Arch Gracie	forty shares
Jno. B. Coles	twenty shares
James Thompson	twenty shares
David B. Ogden	twenty shares

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88 lots on Washington Street, in squares between Bergen & Mercer Streets, at $15 each,	1,320
268 lots on cross streets between Hudson and Washington and between Bergen and Mercer Sts., exclusive of square No. 8, at $12 each,	3,216
140 lots between Washington and Warren and between Bergen and Mercer, at $10 each,	1,400
60 lots west of Warren St., at $6 each,	360
	$8,056

John Wells	thirty shares
John Radcliff	twenty shares
J. Rhea	twenty shares
David Hunt	twenty shares
Joseph Lyon	twenty shares
David Dunham	twenty shares
Abraham Varick	twenty shares
Peter W. Radcliff	forty shares
Samuel Hays, Jr.	five shares
William S. Pennington	twenty shares
L. Panbell	twenty shares
William W. Woolsey	forty shares
Aaron Ogden	twenty five shares
William Radcliff, Jr.	twenty shares
Samuel Pennington	five shares
Jno. A. Devenport	ten shares
J. E. R. Birch	ten shares
E Leavenworth	twenty shares
Isaac H. Williamson	five shares
Amasa Jackson	five shares
John Ward	ten shares
Isaac Kibbe	five shares *

* Whatever may be said of the founders of other cities, it must be admitted that those who were interested in the beginning of Jersey City were no ordinary men.

Richard Varick, b. Hackensack, 1753; d. Jersey City, July 30, 1831. He was admttted to the Bar in 1774; appointed Military Sec't'y General 1775; was present at the battles of Stillwater and Saratoga. After the evacuation of the City of N. Y. he became Recorder, which position he held until 1788; was Att'y-General in 1789; was Mayor of the city in 1789 and for twelve years afterwards. He was President of the Cincinnati for nearly thirty years.

Jacob Radcliff, b. Rhinebeck, April 20th, 1764; graduated from Princeton, 1783; studied law with Egbert Benson, Att'y-Gen. of N. Y.; admitted to the Bar, 1786; member of N. Y. Assembly, 1794–5; Ass't Att'y-Gen., 1796; appointed Justice Sup. Ct. Dec. 27, 1798, resigned, 1804; Mayor of the City of N. Y., 1810 and 1815; member of the Constitutional Convention, 1821; d. May 20, 1841.

Anthony Dey, b. Prackness, N. J., in 1776. His father and grandfather

While this agreement speaks of dividing "said tract into one thousand shares," it was not so in fact. In the language of the Court in *4th Halstead*, "Divided what? The upland only? Certainly not, but the ferry, also the right, void or otherwise, to the land under water." The tract was not divided except into streets, squares and lots. The shares represented the value of the purchase, or the capital of the Company, viz. : $100,000.

ASSOCIATES OF THE JERSEY COMPANY.

On November 10th, 1804, an act was passed by

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were officers in the Revolutionary army. He studied law with Col. Varick; became a successful lawyer; was for years a Director in the N. J. Railroad Company, and at one time owned all the land where now is East Newark. He died in 1859.

Joseph Bloomfield, b. Woodbridge, N. J., d. Burlington, Oct. 3, 1823; was Captain in Dayton's Reg't, 3d N. J., in 1776, and served through the war, rising to the rank of Major; Brig. Gen. in the war of 1812–15; Attorney-General of New Jersey; Governor, 1801 to 1812. Representative in Congress, 1817–21.

Aaron Ogden, b. Elizabethtown, Dec. 3, 1756; d. Jersey City, April 19th, 1839; graduated from Princeton, 1773; one of the party who captured the "*Blue Mountain Valley*" off Sandy Hook in 1776; joined the army in 1777; was at the Battles of Brandywine and Monmouth; aide of Gen. Maxwell in the Sullivan Indian Expedition in 1779; in the battle of Springfield in 1780; Captain under Lafayette and with him in Virginia in 1781 and at the siege of York Town; appointed U. S. Senator, Feb. 28, 1801; on the Boundary Commission in 1806; Governor in 1812; and on Feb. 27, 1813, was appointed by President Madison one of the six Major Generals provided for by Act of Congress.

William Sanford Pennington, b. Newark, 1757; in the 2d N. J. Artillery in the Revolution; promoted to 2d Lieut. for bravery on the field; commission to date from Sept. 12, 1778; elected to the Gen. Assembly, 1797, which position he held for three years; member of the Council in 1801 and 1802; admitted to the Bar in 1802, having studied law with Judge Boudinot; appointed Justice of Sup. Court in 1805; reporter of Sup. Court from 1806 to 1813; first President of the State Bank of Newark in 1812; Governor 1813 to 1815; appointed Judge of U. S. Dist. Court, 1815; d. Sept. 17, 1826.

the Legislature of New Jersey entitled "An Act to incorporate the Associates of the Jersey Company," in which name all persons who were or should become interested in the ownership of Powles Hook were constituted a body corporate.

The bill was drawn by Alexander Hamilton and conferred varied and extensive rights and powers. Their right to purchase and hold land was, however, carefully limited to the tract and premises theretofore purchased from Van Vorst, and described in the preamble of the act. They had power to make and lay out streets and squares and

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Isaac Halstead Williamson, an eminent jurist in N. J.; b. Elizabethtown, Sept. 27, 1768; d. July 10, 1844; admitted to the Bar in 1791; elected to the Assembly in 1816; Governor from 1817 to 1829; Member of the Council in 1831 and 1832; Mayor of the Borough of Elizabeth from 1830 to 1833 inclusive; President of the Constitutional Convention in 1844.

Alexander Cumming McWhorter, b. Newark, 1771; graduated from Princeton, 1784; admitted to the Bar in 1788; Surrogate of Essex Co., N. J., 1804; d. Oct. 8, 1808.

William Halsey was born at Short Hills in 1770; admitted to the Bar in 1794; was Judge of the Essex County Court of Common Pleas; was the first Mayor of Newark; d. August 16, 1843.

Elisha Boudinot, born in Philadelphia in 1742, was a brother of Elias; in 1775 was resident in Newark and prominent among the patriots. In 1777 he was chosen Secretary of the Council of Safety for New Jersey. This he declined. In 1792 he was called to be a Sergeant-at-law; Justice of the Supreme Court in 1798, which position he held for seven years; died Oct. 12, 1819. In 1804 The Newark Banking and Insurance Co. was organized with power to establish a Branch at Powles Hook. This branch became the "Jersey Bank," but it was afterwards removed to New York and is now the Union National Bank. Boudinot was first President of the Newark Bank. He and a few other Newarkers interested in Powles Hook advanced $50,000 to Robert Fulton to construct steam ferry boats.

John Noble Cumming was Boudinot's successor in the Presidency of the Newark Banking Co. He was among the leading military spirits of Newark in the war of 1812.

John Wells, b. 1770, d. Sept. 7, 1813. A memorial tablet in Trinity

to establish such as were already laid out; to establish grades; to order and regulate the building of all docks, piers and wharves, and store-houses and buildings thereon; to make such by-laws, orders and regulations touching all these matters, not inconsistent with the Constitution and Laws, as to them should appear proper and necessary, and to enforce the same by any penalties which they might prescribe for breach of offence against the same, not exceeding twenty-five dollars for any one offence, to be sued for and recovered by said Associates for their own benefit. The docks, wharves and piers which they might build opposite to and

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Church, N. Y. City, reads as follows; "Erected by the members of the Bar of this city as a testimony of their respect for the memory of John Wells, who elevated and adorned their profession by his Integrity, Eloquence and Learning."

John B. Coles was a prominent flour merchant in the City of New York, residing in State street. He was Alderman from the first ward 1797 to 1801 and from 1815 to 1818; d. in 1826 or 1827 and was buried in Trinity church yard.

* *William Walton Woolsey* was a merchant of prominence in the City of New York; b. Sept. 17, 1766; m. Miss Dwight of New Haven. He was for some years Secretary of the Society for the manumission of Slaves; d. Aug. 18, 1838.

David B. Ogden, *Peter W. Radcliff* and *Samuel Boyd* were eminent members of the New York Bar; Mr. Boyd was in partnership with Anthony Dey.

Archibald Gracie, one of the most eminent of the merchants of the City of New York; came to this country in 1765, d. in 1829. James G. King, formerly of Hudson County, married one of his daughters.

Joshua E. R. Birch was a physician residing at 282 Pearl St., N. Y.

Amasa Jackson, *Elisha Leavenworth*, *John Radcliff*, *William Radcliff, Jr.*, *Abraham Varick*, and *Isaac Kibbe*, were prominent merchants in the City of New York.

David Dunham was a prominent auctioneer in the City of New York, on friendly relations with Anthony Dey, and interested in auction sales at Powles Hook. He owned one of the ferries from New York to Williamsburgh.

adjoining the premises were to extend into Hudson's River and the Bays as far as the Associates might deem it necessary for the improvement of the premises, or the benefit of commerce, and when built they might appropriate them to their own use.

As to the land under water adjoining the Hook, this charter practically gave it to the Associates without limit as far as the ownership of the State extended.*

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* In 1850 the court of last resort in this State said: "In the charter the Legislature took the description of the premises with the appurtenances from the Van Vorst deed, and, bearing in mind as far back as 1804, it was the general impression that riparian proprietors were the shore owners, and had the exclusive right to the land under water opposite to their shore, for the purpose of docking or filling out, or acquiring the alluvial, we can have no difficulty in presuming that the Legislature intended by their charter to the Associates to confirm to them all the rights of the State contained in the description and appurtenances of the Van Vorst deed. Such a power and grant was necessary in order to enable the Associates to execute the plan and objects which they had in view. We may then fairly conclude that all the rights of Van Vorst, and of the State to the lands described, etc., to the middle of river, except the public right of navigation, vested in the Associates for the purpose of laying out streets and squares, the erection of docks and buildings, or for any other lawful purpose."

This decision went on the ground "that the power of the Associates of the Jersey Company to lay out streets was not confined to the upland of Van Vorst, but existed equally in regard to the land covered by water."

This doctrine was questioned in the subsequent case of *the Morris Canal vs. Central R.R., 1 C. E. Green, 430:* "The object and intention of the Legislature in passing this act, so far as they can be gathered from the act itself, seem to have been to enable the corporation thereby created, to lay out and improve the said tract known as Powles Hook."

The third section "gives to the Associates merely a privilege or license to build docks, wharves and piers in the waters of the Hudson River, and the bays aforesaid, in the manner there mentioned, and when so built, to appropriate them to their own use; and that the Associates could not transfer or convey such privilege or license to any other corporation. And the land not so occupied and built upon was not granted to the Associates, and that the same and all rights in and over it remain in the state as before."

Varick, Radcliff and Dey, in whom the title still remained, were authorized to convey to the Corporation in trust for the Associates, and it was authorized to dispose of so many lots, charging each lot with such reasonable and annual rent as would in the aggregate be sufficient to pay the annuity to Van Vorst, and that so much of the same as was necessary should in the first instance be paid on the annuity, and the surplus should be divided among the Associates. When the annuity should be extinguished then the fund arising from the rents reserved should be divided among the Associates. All contracts theretofore made concerning the premises were to be assumed by the Company.

Nine of their number were to be trustees, the majority of whom had power to conduct and manage the affairs of the Company, in its name to sell the property and appoint all necessary officers. Each Associate had one vote for each share he held in the Company.*

It was made the duty of the Clerk of Bergen County to appoint a deputy, who was to reside and keep an office within the district "formerly distinguished by the name of 'Island of Harsimus,' and

* The first election for trustees was held by the inspectors named in the charter, December 10th, 1804. Seven hundred and fifty votes were cast. The trustees chosen were, Richard Varick, Jacob Radcliff, William W. Woolsey, James Thompson, David B. Ogden, William Halsey, Alexander C. McWhorter, William S. Pennington and Isaac H. Williamson. These trustees met for organization, December 24, 1804, at the tavern of Joseph Lyon "at Jersey." Richard Varick was chosen President and David B. Ogden, Secretary.

which includes Powles Hook, and which island is constituted and surrounded by a certain creek called Creek of the Woods or Harsimus Creek," who was to record deeds, mortgages and other writings relating to real estate within said district. Philip Williamson, the Secretary of the Associates, was recommended to the Clerk as a fit person to be appointed.

BEGINNING OF IMPROVEMENTS.

The streets of the new city had not yet been graded nor had the grade been established. The first attempt to establish a grade was on May 4th, 1805, when this general plan was adopted by the Trustees: The east side of Hudson Street and the south side of South Street were established at four feet above ordinary high tide, and the centre of Washington and Grand was established at twenty six feet above the grade on Hudson and South Streets. From this centre to the grade on Hudson and South Streets, the descent east and south was to be regular.

As we have seen the attempted sale of lots did not wait for grades to be established and streets to be opened. Whether they were sold or not the annuity must be paid, and it was not the object of the individual subscribers to advance the money. To encourage the members of the Company to aid in the general improvement certain advantages,

beyond what were given to the outside purchaser, were offered to them. On December 28, 1804, the Trustees resolved that if any Associate should contract to build a dwelling or store house within one year from the first of the following April, of any value not less than $1000, he should be entitled to locate any lot in Jersey belonging to the Corporation at the time of entering into such contract, excepting corner lots and lots adjoining and lots fronting on Grand Street between Washington and Hudson, and lots fronting on Hudson, and have the same free of charge except ground rent and surveyor's charges. If he should erect within such time a dwelling or store house worth $2000, he should be entitled to the two lots on which erected on the same terms.

They further resolved that if any purchaser of a lot should, within one year from April 1st, 1805, erect a building costing not less than $500, five per cent. of the cost of the building should be deducted from the cost of the lot.

These were the inducements held out to purchase and build in the new city. Special terms were offered to Robert Fulton to locate his ship yard in the "town of Jersey." On November 3rd, 1804, the Trustees, in consideration of $1000 payable in five years without interest, resolved to let him have one block of ground for the safe keeping and repairing his steam vessels. It was here he made his first

attempt to introduce the use of steam power into ferry and other vessels.

William Halsey was the first associate to take advantage of the offer of the Trustees. On May 4th, 1805, he proposed to build in Jersey two frame dwelling houses with brick fronts of not less value than $3000, to be completed by May 1st, 1806. He located lots six and eight Essex Street, and five and seven Morris Street, and paid the ground rent and surveyor's fees.

The Associates took measures in 1805 to erect a hotel on Grand Street. This building was afterwards known as the Hudson House. It is now used as a part of Colgate's soap factory. They ordered shade trees not exceeding six hundred in number to be planted in the streets. They reserved land for a ship yard, for churches, a school and a public market. To encourage purchasers to provide themselves with pure water they contributed towards the expense of digging wells.* John B. Murray applied for lots on which to erect a distillery.† Abraham Bell applied for four lots on North Point on which to erect a steam saw mill, and

* Jan. 5, 1807. "Resolved that this Board will allow one dollar per foot in the depth of every well that shall hereafter be dug at Jersey with the approbation of this Board, and shall be five feet in the clear and have a pump with a brass chamber.

"Ordered that a warrant issue in favor of Amasa Jackson for $17, being the usual sum agreed to be paid by this Board for wells of five feet in the clear, in full for sinking and stoning a well of seventeen feet deep in the lower end of Sussex Street."

† The following entry in the minutes of the Board under date of April 20th,

Isaac Edge for lots on which to erect a grist mill.* On August 16th, 1816, Col. Varick purchased lots 20, 22 and 24, on the north side of Essex Street, and erected thereon a double brick house (the first on that street) where he resided until his death in 1831.† This location was known as Prospect Point. The Company erected wharves, docks and piers, and graded parts of streets near the ferry.

AFFAIRS OF THE SETTLEMENT NOT PROSPEROUS.

Notwithstanding these efforts to create a prosperity, the result did not meet the expectations of the Associates, nor the hopes of those who had invested their money. Cadwallader D. Colden and Robert Fulton selected lots, on which the ground rent was $2000. This turned out to be a ruinous

1829, shows, not only where the distillery was located, but that the demagogue was abroad in the land then as now:

"The President presented a petition signed by several respectable inhabitants, setting forth that a very grievous and sickening and otherwise great evil and actual nuisance, has for a long time and does now exist, at the corner of Hudson and Essex Street adjoining the distillery, arising from the filth and dirt, &c., occasioned by the great number of milch cows and other animals fed and swilled on said premises, and praying that the same be removed or abated before the approaching hot season.

"Mr. Jenkins presented a remonstrance against removing the same, signed by a much greater number of inhabitants praying the Board to make no order on the subject, as they were satisfied with the establishment, and should consider it an injury to the place to have the same broken up, *as it would throw a great many men out of employ and deprive them of getting milk at one half the usual price!*"

In 1829 it was said that this Distillery turned out annually 365,000 gallons.

* This mill stood where now is the westerly end of the new depot of the P.R.R.

† This building is still standing at Nos. 46, 48, 50 Essex Street. It has been somewhat altered. Originally it had a pitched roof, now changed into an additional story. The circular steps to the front entrance are gone.

WIND MILL ON TOWER HOOK, 1815.

speculation. In 1810 the York and Jersey Steam Boat Ferry Company was established and took a lease of the ferry, but after a few years of vicissitude and disaster, the Company failed. In 1811 many lots were offered for the ground rent only, yet on these easy terms were not accepted. In 1814 a block was sold on the marsh to Robert Fulton on which he erected a frame building, but he died in 1815 and the property went to ruin. The ferry seemed to be a failure and it was carried on by Mr. Colden, who became security for the steam boat Company, at a heavy loss. The affairs of the Associates were in a depressed condition. The place did not seem to attract for residence or business. But few lots were sold, fewer built upon, and the population was but slowly increasing. At the end of thirty years from the inception of the enterprise the population of the place showed an increase of less than fifty a year, and the dwellings erected averaged less than six per annum.* It was difficult

* At an election for Selectmen on Sept. 2, 1833, 108 votes were cast. In the early part of 1834 a census was taken by or under directions of the Board. It was approved on February 3, 1834, and showed the following result:—

	Persons.	Dwelling Houses.
On Essex and Bergen Streets, - -	317	35
" Morris and Sussex " - .	354	35
" Grand Street and Ferry, - - -	201	25
" York Street, - - - -	314	38
" Montgomery and Mercer Streets, -	253	38
	1439	171

to collect the ground rents, even where the property was improved. The failure to collect these rents and the rent for the ferry greatly embarrassed the Company. They found it beyond their power to pay the annuity from the income of their investment, and were obliged to call upon John Van Vorst, then the owner of the mortgage given by Dey to Cornelius Van Vorst, to reduce the annuity for a time. In this they were successful and thus were enabled to outlive their difficulties.*

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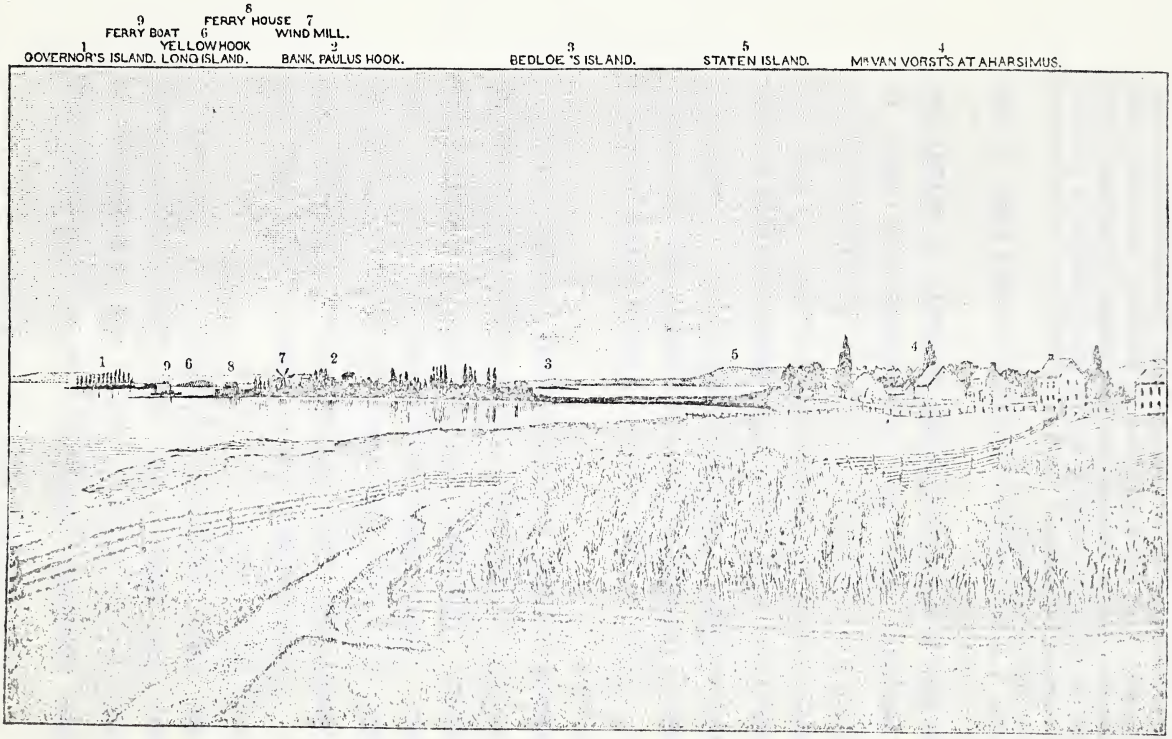
* The morals of the place were quite as low as its material prosperity. It was a resort of boatmen and others who found their paradise in a locality not infested by police nor disfigured by a prison. Brawls, drunkenness, bull baiting and dog fighting were the customary amusements of the place. For some years the stages brought hither passengers who were compelled to remain in the place all night. They added to the disorderly character of the town. The residents found it difficult to go over to New York at night to find their amusement, and such as they appreciated they had here. Jersey City in its early days was a tough place.

On July 25, 1836, "A grievous disturbance and riot took place in Green Street on Sunday evening, the 24th instant, and the lives of the citizens endangered." This lawlessness began under the reign of the Associates and continued under the rule of the Selectmen. The authorities under each system of government did what they could to suppress it.

The Associates on June 7th, 1813, appointed a committee to request the passage of a law to define and establish a proper police to regulate the concerns of the City of Jersey. This does not seem to have been granted. On October 17, 1817, a committee was appointed to ask the Legislature for an extension of the powers of the Association. This was necessary for the better police of the City of Jersey. Nothing came of this request. Then that part of Hudson Street, within twenty feet of the wharf and twenty feet south of the house occupied by Daniel Brown was assigned for the purpose of erecting such public stocks, for the punishment of disorderly persons, as were or might be authorized by law. There is no authority for saying that this assignment was so used. Probably the offer was made to relieve the park near the ferry. In the center of this park was a willow tree sometimes used as a whipping post. Yates and McIntyre afterwards came into possession of this park, in which for a while their lotteries were drawn.

On April 7, 1834, a public meeting was called to get the consent of the



POWLES HOOK AND HARISMUS IN 1823.

CAUSES OF THE TROUBLE.

This condition of things was brought about and maintained by several causes, all contributing to prevent the sales of lots, the proper improvement of the place, and the consequent rise in values. Among these were:

1. The State and City of New York did not cease to assert their right of jurisdiction, ownership and control over land and water up to the New Jersey shore. These claims placed the future of the City in doubt. Whether well founded or not, they cast a shadow on its most valuable appurtenances, intimidated capital, and prevented purchase and investment.

2. Many of the lots on Powles Hook must of necessity be sold subject to a ground rent to provide for the annuity. Whether subject to a ground rent or not, there was that irredeemable mortgage which covered every lot in the whole place. It was impossible for a purchaser to know when he could free his property from that incumbrance, or even to know that it would not finally be taken to satisfy the

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inhabitants to be taxed $750 for a public watch and town house. 45 votes were cast, all but two in favor.

The authorities proceeded very slowly in the matter, for it was not until May 22, 1835, that the Board "Resolved that the Police Committee be authorized and requested to provide a suitable place of confinement for disorderly persons and prisoners." The school house near St. Matthew's Church was finally obtained and used for many years as the City Hall, City prison and police headquarters. Until that time all prisoners were taken to Hackensack.

mortgage. In this uncertainty purchasers would not improve their lots.

3. There was that clause in their charter which gave to the Associates certain powers of government which the inhabitants and owners of lots could not change or take from them. Our Court of Appeals once said "The Associates of the Jersey Company were not only a land company owning the soil, but they also had important municipal rights conferred upon them by the sovereign power, to wit, that of laying out streets and squares. . . When therefore they laid out these streets they acted as owners of the fee in presenting the lands to the public for streets, and also as a municipal corporation in accepting them on behalf of the public." But further than this: The share-holders in the land company elected the Trustees, and the Trustees made rules and regulations which they enforced by the infliction of penalties which they had prescribed. All inhabitants who were not share-holders in the land company must render obedience to these rules, in the enactment of which they had no voice, or pay the penalty, which went into the treasury of the Associates.

These combined causes came near wrecking the enterprise, promising though it was in its inception. The first obstacle was substantially overcome in 1834 by the boundary agreement with New York, the second in 1824 in the purchase of the Van Vorst

mortgage by Col. Varick, and the arrangement to sell the lots in fee. The third was the most objectionable and annoying to the people. It struck a blow at their self-respect. It subjected them to laws in the making of which they had no voice.

The proviso in the second section of the act read as follows:—"That the powers granted by this section shall cease, whenever the Legislature shall deem it expedient to institute a more adequate and complete corporation for the purposes above expressed." The Associates always claimed that one of the objects of their incorporation was to exercise over the said tract of land, large and beneficial powers of control and municipal government which municipal power they claimed must continue till the Legislature should deem it expedient to institute a more adequate and complete corporation for the mere purposes of municipal government.*

BOARD OF SELECTMEN.

It was painfully manifest that the time contemplated by this proviso for "a more adequate and complete corporation" had come. Even for a land speculation, outside of its grant of land under water, the charter had not been a success, and, as authority for the exercise of municipal powers, it was a failure. The time had come to separate the government of

* See Bill in Chancery, between the Associates, &c., and The Mayor and Common Council of Jersey City, et al., filed June 20th, 1848.

the people from the ownership of the land. What had been dedicated by the Associates to the public in streets and parks must be left to the management and regulation of the public.

Under the increasing pressure of public opinion, a feeble attempt was made in this direction after fifteen years under the charter of the Associates. But the attempt was not made by those most interested in its success.

On November 15th, 1819, the Trustees of the Associates resolved "to apply to the Legislature for a law to establish a corporation for the Town of Jersey, with power to forbid the running at large of swine, dogs, horses, or other animals &c. &c. and generally for the regulation of the police of the place." A charming picture surely of bucolic simplicity!—horses disputing the right of way with the pedestrian, and the contented pig dripping from a refreshing wallow, taking his siesta on the door step of the solid citizen of the "town of Jersey"—and the Associates seriously asking for a corporate charter mainly for the purpose of restraining the liberty of these animals!

Under this resolution a committee was appointed by the Associates to prepare a petition to the Legislature, and also to draft an act for the incorporation of the Town of Jersey. On December 28th, 1819, the petition and act were reported. On January 28th, 1820, "An Act to incorporate the City of

Jersey, in the County of Bergen," was passed by the Legislature. The act was drawn to incorporate "The City of Jersey," and so the name remained in the title, but in the body of the act it was changed to "Jersey City." Had those interested in the place named it "City of New Jersey," as its great neighbor on the east side of the Hudson had been named "City of New York," it would have borne a name justified by its location and by the census which, in less than ninety years after it ceased to be occupied as a farm, gives it the distinction of being the first city of the State of New Jersey.* But they did not comprehend the importance of an appropriate name for the City that was to be, and the place became the indefinite "Jersey City," and sometimes the tautological abomination, "City of Jersey City."

Under the act five freeholders, inhabitants of the City, were to be annually chosen by "the freeholders and other taxable inhabitants," to be known as "The Board of Selectmen of Jersey City." Doctor John Condit, Samuel Cassedy, Joseph Lyon, John

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* The following enumeration of its inhabitants shows the progressive growth of this City:

Year	Total	Year	Total
1804	13 or 15	1855	21,715
1829	1,025	1860	29,226
1834	1,439	1865	37,371
1835	1,600	1870	82,798
1840	3,033	1875	109,229
1845	4,258	1880	120,722
1850	6,856	1885	153,513
		1890	163,003

K. Goodman and John Seaman, were named in the act as the first Board. The Board were empowered to pass and enforce ordinances relating to streets; public grounds; public markets; weights and measures; the inspection and measurement of fire wood; the weight and prices of bread; horses, cattle and swine or other beasts or fowl running at large; lighting streets; night watch; fire engines; engine houses; and "whatever may concern the good government of said corporation, and the orderly conduct of the inhabitants and others within the same, so far as regards the public peace and tranquility of the same."

WEAKNESS OF THE NEW GOVERNMENT.

There were, however, two restrictions upon the exercise of these powers which confined it to narrow and impracticable limits. The government thus established was more in name than in fact. Those who devised it under the pressure of popular demands for a municipal government, paltered with the people in a double sense,—they kept the word of promise to their ear, and broke it to their hope.

1. No tax could be imposed for any purpose whatever, without the previous consent of the majority of the free-holders and taxable inhabitants who might attend and vote respecting the same, at a public meeting to be convened for that purpose,

on reasonable notice being given or advertised by the Board of Selectmen.*

2. That nothing granted by said act should interfere with any of the powers or rights granted to the Jersey Associates.

When, however, we reflect that the charter was drawn by and passed on the petition of the Associates, and that they yet owned the larger part of the property subject to taxation, it is not a cause of surprise, and perhaps ought not to be considered a justification for harsh criticism, that they should have protected themselves against anticipated spoliation by keeping the public purse strings well in their own hands. The result, however, did not justify their want of confidence in the new government, and their own interests finally forced them to let go.

What the Board of Selectmen did under this charter is left largely to conjecture, for unfortunately the minutes of the Board from its organization, May 20th, 1820, until September 1st, 1828, are "lost,

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* The following resolution, adopted Sept. 1, 1828, will illustrate the method of imposing taxes under the Charter of 1820.

"Resolved, That notice be given of a meeting of the Freeholders and other taxable inhabitants to be held at the house of Freeman Anderson on Tuesday the 23rd September instant, to express their opinion on the propriety of raising, by tax, a sum not exceeding one hundred dollars to meet the necessary expenses attendant on the correction or removal of all nuisances; and other disbursements incident to a judicious enforcement of all ordinances of this Board, calculated to promote the comfort of the inhabitants, and the good government of the place."

strayed or stolen."* But with no independent power of taxation, or assessment, and with the influence which the Associates must have wielded with the "freeholders and taxable inhabitants" of the town against imposition of taxes to any liberal extent it is not difficult, nor probably much at fault to conclude that nothing was done which necessitated an outlay of money. We have no means of knowing what amount of tax was levied in any year previous to 1825, but it is fair to presume, from the ordinary course of municipal expenditures, that the

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* Through the kindness of John V. Bacot, Esq., I am able to present the following financial statement, of the Treasurer in the days of the Selectmen. It shows how limited were their resources and how simple their method of bookkeeping.

"Josseph Kissam, Dr. to the Board of Selectmen.

To cash received on account of Tax - -		$18.75
	Cr.	
By cash paid Jno. Willing -	$2.08	
do. do. Abraham Spier - -	0.50	
do. do. Philip R. Earle -	2.00	
do. do. do. do. - -	4·38 - -	8.96
	due -	$9.79
do. do. George Huddleston for removing a dead horse as represented by Mr. Small - - -		.25
		$9.54
do. do. Doctor Josiah Hornblower's account -		5.
		454
do. do. Philip Rogers for removing 1 horse and 1 hog		62
		3.92
balance due me, said by Mr. Earle to be - -		1.50
Vouchers returned and account presented.		2.42
Sept. 6, paid by order - - - - -		.25
		2.17

(*Continued on next page.*)

sums raised naturally increased as the years went by. From the minutes of September 8th, 1828, we incidentally learn the amount of the tax levy in 1825, and we are amazed at the financial extravagance of our municipal forefathers.*

On that date the Treasurer submitted a statement of his account with the Board by which it appeared that he had received at sundry times $18.45, and has paid by order of the Board to

"Joseph Kissam, balance of his account	$12.50	
For 2 books for use of the Board - -	4.50	$17.00

Leaving a balance in his hands of $1.45.

Sept. 5, paid at Lyons -	$0.50		
" 9, " " Clarks - -	1.00		
" " " " Lyons -	0.50		
" 16, " for 2 blank books -	2.00		
Oct. 21, " " seal - -	3.00		
	7.00		
" 25, fine from G. Dummer - -	25		
	6.75		
Nov. 5, " " S. Cassedy -	25		
	6.50		
" 7, removing a dead dog - -	6		
	6.56		
" 9, ret'd Cassedy's fine -	25		
	6.81		
Forward - - - -	6.81	- -	217
	7.06		
Nov. 28, Postage - - -	1.		
Dec. 15, Van Winkle -	7.	-	15.05
	due	- -	12.89

Rec'd payt. of the above $12.$\frac{89}{100}$. JOSEPH KISSAM.

* From 1820 to 1828 inclusive the Annual City Tax was $100. From 1829 to 1837 inclusive it was $300 per annum, as prescribed by the charter. When the restriction was removed by the charter of 1838 it went in that year to $2,500, and the march has been pretty steadily forward ever since.

He also reported that he had made diligent search and was unable to find, among the books, papers or accounts of the Board, any statements, book of accounts, vouchers or memoranda, by which he could ascertain, with any degree of accuracy, what amount has been collected of the tax of *one hundred dollars* assessed upon the inhabitants in 1825, or in what manner such sum or sums as may have been received into the Treasury had been appropriated, and that he had reason to believe there had not been any particular account kept by former boards of receipts and expenditures.*

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* Sept. 22, 1828, the Committee appointed to investigate this matter reported: "The undersigned who were appointed a committee by a resolution of the Board on the 8th instant, to make strict inquiry and get all the information in their power respecting the amount collected of the tax imposed upon the inhabitants in 1825, to whom the same was paid, whether any and what amount has not been accounted for to this Board, and also to ascertain if possible in what manner such sum or sums as may have been received into the Treasury have been appropriated, beg leave to report: that they have devoted much time and attention to the investigation of the subjects referred to them and that the following is the result:

"The amount authorized to be raised by tax in 1825, was $100.00

Of this sum there has been collected		
By Oliver Clark - -	$20.50	
" Jon'a Jenkins - - -	19.37	
	$39.87	
There still remains due by persons now residing in this City - -	38.50	
And by persons who have removed out of the bounds of this Corporation	21.63	
		- - $100.00

It appears by the foregoing statement that all the moneys collected have been faithfully accounted for, and amounts to - - - $39.87

Of the above sum $22.42 has been appriated in the following manner as appears by vouchers herewith submitted:

To Joseph Kissam being the balance

With such a tax levy it would be unreasonable to expect anything from the Board except rigid economy and perhaps a little official profanity.* It is highly probable that the tax did not exceed this sum in any one year under the charter of 1820.†

due him as appears by his account current with the Board while Treasurer, said account having been examined and ordered to be paid by the Board - - - -	$12.50	
To Oliver Clark for services rendered by him in collecting tax &c. &c.,	4.00	
To A. Bulford for services rendered in 1825 in taking census -	5.00	
To cash paid for blank book, paper &c. &c. - - - - -	.92	$22.42
Leaving in the hands of the Treasurer this day - - - -		$17.45

Your Committee might here close their report, having as they believe, complied with the requisitions of the resolution of the Board appointing them, but they cannot consistently with their sense of justice conclude without earnestly recommending that immediate measures be taken by the Board to collect all that remains unpaid of the tax of 1825 by persons residing within the jurisdiction of the Board. They would respectfully urge this as a duty upon the Board, because it is obviously unjust to collect this tax of one part of the community while the other part, enjoying equal privileges, are not required to pay."

JONATHAN JENKINS,
JOHN K. GOODMAN,
BENJ'M T. BARKER.

Joseph Dodd was one of these tax delinquents, but, on June 10, 1829, he paid up by offsetting two bills for advertising amounting to $1.50!

* On September 30th, 1829, the Board made arrangements with Freeman Anderson, who kept a hotel on Grand Street, by which he agreed to furnish a room, fire, lights, pen, ink and paper for one dollar each meeting of the Board for one year! "Comparisons are odious," but sometimes they are instructive.

† September 28, 1828, the Board "Resolved, that notice be given of a meeting of the Freeholders and other taxable inhabitants, to be held at the house of Freeman Anderson on Tuesday the 23rd September instant, to express their opinion on the propriety of raising by tax, a sum not exceeding one hundred dollars to meet the necessary expenses attendant on the correction or removal of all nuisances; and other disbursements incident to a judicious enforcement of all ordinances of the Board calculated to promote the comfort of the inhabitants and the good government of the place, and that the poll be held open for the reception of votes on that subject from six till eight o'clock P.M.

The streets were ungraded, the sidewalks unflagged, and very little effort made to keep the streets in order.* Morris Street was the only street opened from the river to the marsh on the west, and that was more of a common than a street. A road wound along the bank of the river from the ferry to the south cove, possibly a part of the old race course. Hudson Street was not filled in. Indeed it is quite certain that whatever improvements were made, were the result of private enterprise. With the Treasury in a state of perpetual emptiness† and no authority to procure the means to do anything,

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* Sussex Street was popularly known as "Dishwater" street. The habits of the residents thereon are embalmed in the name.

† It is probable that the Board attempted to eke out their expenses by fees for licenses to sell liquor. In proportion to the number of inhabitants, there were more places licensed to sell liquor in Jersey City then than there are now. In 1828 the following licenses to sell liquor were granted:

Daniel Crane, S. W. corner of Hudson and Essex.
Holmes & Bentley, S. W. corner Washington and Montgomery.
John K. Goodman, No. 7 Grand Street.
Francis Paulmier, N. W. corner Grand and Green.
Stephen S. Southard, John W. Hutton } N. W. corner York and Green.
Francis Paulmier, Jr., York Street.
John Taylor, York Street.
John W. Stitt, Ferry House.
John Ogden, N. E. corner Washington and York.
John Drayton, Hudson Street.
Daniel Jones, York Street.
Mrs. Phebe Mulford, S. E. corner York and Green.
Hugh McCutcheon, 42 York Street.
Freeman Anderson, Grand Street.
Henry Drayton, 29 Montgomery Street.
Morgan Doyle, York Street near the Ferry.
Phineas C. Dunmer, In the Glass House.
Stephen Paulmier, N. W. corner Green and Morris Streets.
Joseph J. Roy, No 3 Grand Street.

nothing could be done by the corporate authorities.*

In addition to the lack of funds and power of assessment to do what the Board was empowered to do, the last section of the charter made many of the subjects of their power uncertain. It prohibited the Board from interfering "with any of the powers or rights granted to the Jersey Associates."

The Board of Selectmen and the citizens whom they represented after enduring this semblance of government for eight years, sought relief in a new charter.

BOARD OF SELECTMEN AND INHABITANTS.

A committee on alterations or amendments to the charter was appointed. On September 15, 1828, this committee reported that they were engaged in the discharge of their duties and had hopes of being

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Thomas Dixon, N. E. corner York and Green Sts.
Isaac Edge, Sen., S. W. cor York and Green.
John Post.

This gave one thirst extinguisher to fifty-nine inhabitants, counting women, children and teatotallers!

* Though the Board had nothing to do they met with regularity and promptness. Absence from a meeting was a cause of congratulation to the treasury. Rule: "That any member of the Board who shall neglect or omit to attend any meeting, whether stated or special, having had due notice thereof, for five minutes after the appointed time, shall forfeit and pay the sum of twenty-five cents for every such neglect or omission, . . and any member who shall without sufficient cause (of which the Board are to be sole judges), omit or neglect altogether to attend any meeting whether stated or special, shall forfeit and pay the sum of fifty cents." Think of it, ye Aldermen! No salary for attendance and fines for non-attendance!

able to submit to the Board at its next meeting a draft of a new charter for the Selectmen and Inhabitants of Jersey City, for the consideration and approval of the Board. This was done at the meet- of October 6th, 1828, and on the 23rd the bill was approved. A petition to the Legislature for the passage of the bill was then circulated among the inhabitants for signatures.

On January 23rd, 1829, "An Act to incorporate the City of Jersey, in the County of Bergen, and to repeal the former act," was passed. The corporate name under this charter was, "The Board of Selectmen and Inhabitants of Jersey City." The persons constituting the Board of Selectmen were to be seven white male inhabitants, and freeholders to be chosen by the freeholders and other taxable white male inhabitants resident one year in the place. They were required to cause "all their proceedings to be entered on record," a very good provision considering the condition of affairs under the former board. To carry into effect the ordinances they might pass, they were empowered to raise money by tax not exceeding three hundred dollars in any one year, unless by consent of the freeholders and other taxable inhabitants. With the same consent they might purchase real estate and erect necessary buildings. They could pass ordinances and impose penalties for their non-observance, to be sued for in the courts. They

were empowered to pass and enforce ordinances relating to the ordinary affairs of a municipal corporation.

This was a step in the right direction. It was a slight movement away from the restrictive provisions of the charter of 1820. With a more liberal charter, containing power to make and pay for needed improvements, it was not difficult to see the near approach of more prosperous times. Combinations to make private enterprises prosperous were numerous and active. They were doing what they could incidentally to their own prosperity to build up a great city on the "Island of Ahasimus."* But from the beginning, public spirit in Jersey City to shape, push forward and protect public interests has not been equal to the demands made upon it. Too often has it been lulled to sleep, and then like Samson awakened to find itself bound with withes by private enterprise and greed. People were beginning to comprehend that Jersey City had a future, and it soon began to take shape. By the boundary treaty of 1834 the rights of New Jersey to land under the water of Hudson's River was conceded by the State of New York. In the same year, the New Jersey Railroad with its "passenger car Washington," " a

* In 1829 there were in Jersey City, 4 churches, 1 bank, 1 insurance office, 1 post office, 1 distillery, 5 hotels, 23 liquor saloons, 2 dry goods stores, 11 groceries, 1 wind-mill, 2 bakeries, 3 smitheries, 5 lottery offices, 1 glass factory, (set up in 1824), 1 pottery, (set up in 1825) 1 tobacco factory, 2 sand paper factories, 1 tinman, 2 lawyers, 2 physicians, 2 justices of the peace, 1 druggist, 1 fire company, 1 academy, and 3 schools.

splendid and beautiful specimen of workmanship, containing three apartments, besides seats on top," located its terminus in Jersey City. It extended to Newark, and work was in progress towards Philadelphia. The Paterson and Hudson River Railroad with its "three splendid and commodious cars, each capable of accommodating thirty passengers," drawn by "fleet and gentle horses," brought to Jersey City its tribute in passengers and traffic from that section of the State. The Morris Canal was being rapidly completed from Newark to Jersey City, and it brought hither its traffic in 1836. In April, 1835, the people moved on the subject of a night boat and secured it.* On Monday, June 8th, the ferry boat Washington began after the day boats hauled off to make half hour trips until one o'clock in the night. This was regarded as the removal of another ob-

* December 30, 1834, Robert Gilchrist, Samuel Cassedy, David Henderson, Dudley S. Gregory and George Dummer, were appointed a committee to request the Associates to run the ferry at night. On April 17th, 1835, the Board helped along the good work by the following resolution: "While we cheerfully acknowledge our obligations to the said Company for what has been done, we cannot forbear expressing our belief that the establishment of a night ferry is essential to the growth and prosperity of our city, and necessary to the benefit and reasonable accommodations of its inhabitants."

The Associates replied as follows:

"NEW YORK, APRIL 20, 1835.

GENTLEMEN: The committee of the Jersey Associates to whom was referred an application from the Inhabitants of Jersey City, requesting them to put a night boat on the ferry, have hitherto not been able to state definitely the time when it will be in their power to comply with that request, and can only say at present, that they intend after the new boat is coppered to give the Washington a thorough repair, and immediately thereafter to place her on the ferry for that purpose.

WM. W. WOOLSEY
on behalf of Committee.

To David Henderson &c."

PRYOR'S MILL AT THE POINT OF ROCKS.

struction to the growth of the City. Hitherto the only way of crossing the river at night was in small boats. At night fall the ferry ceased operations. The inhabitants were practically prisoners on the limits of Powles Hook. This had deterred many people from making their home in Jersey City, and had been a burden to those who were residents in the place. The sense of escape from nightly imprisonment seized the people. They were jubilant. They celebrated the advent of a night boat by the discharge of cannon, with fireworks, bonfires, a band of music and a good dinner, where the Associates were toasted with full glasses. All these conditions were favorable to the growth of the City. Real estate rapidly increased in value. More sales were affected at good prices, in three months after the night boat on the ferry was assured than had been in years before.*

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* June 1, 1835, ten lots on Essex and Morris, between Washington and Warren, were sold at public auction. They were bid in by the owners at $1470 each—a bona fide bid of $1400 each was refused. It is said that two years before these lots could have been bought for $500 each.

July 17, 1835, the following lots were sold at auction:

Lot	No.	28	Montgomery	Street,	sold	for	-	$1,150
"	"	30	"	"	"	"	- -	1,425
"	"	42	"	"	"	"	-	1,050
"	"	44	"	"	"	"	- -	1,050
"	"	85	Washington	"	"	"	-	1,000
"	"	87	"	"	"	"	(corner)	1,550
"	"	29	Mercer	"	"	"	- -	1,025
"	"	31	"	"	"	"	-	1,000
"	"	37	"	"	"	"	- -	950
"	"	39	"	"	"	"	-	950
"	"	25	Wayne	"	"	"	(corner)	1,000

But the necessities of the place required improvements. These must be made if prosperity was to be more than a temporary show. The people asked that York Street west of Washington be filled in. They petitioned the Board to dig out, fill and regulate Essex from Hudson to the middle of Green, and Green from Grand to Essex, and Essex * west of Washington. These petitions show how little had yet been done in the way of improvements. It is certain that the promise "ask and ye shall receive" did not hold good in these applications. The Board was indeed willing but the means were not only lacking but unobtainable. Whatever was done in these matters prior to March 8th, 1836, was done without the power to compel payment by the property benefitted. For, in the face of experience, under the charter of 1820, the charter of 1829 was accepted without the power therein granted to assess property for improvements of streets. Power was given to pass and enforce ordinances relating to streets, "the digging out, filling up and regulating the same," but not to assess the expenses thereof

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Lot No. 27 Wayne Street, sold for - - - 800
" " 29 " " " " - - 800
" " 31 " " " " - - - 800

All the above lots except No. 30 Montgomery Street, and the four on Wayne Street were subject to ground rent. All except those on Montgomery Street generally required a good deal of filling.

* That part of Essex Street lying between Washington and Greene, was on April 1st, 1836, at the request of the property owners on the Street, named by the Board, "Colden Place."

on the property. It was impossible to pay for these improvements out of the tax levy, for that was limited to three hundred dollars. On March 8th, 1836, a supplement to the Charter of 1829 was passed empowering the Board "to assess the real estate in the City, for the improvements made in regulating the streets, alleys and lanes therein, and in paving, flagging and gravelling the same."

FINANCIAL DIFFICULTIES.

Notwithstanding this newly granted power the existence of "The Board of Selectmen and Inhabitants of Jersey City," under this Charter was not a happy one. They were not successful in collecting the assessments for improvements to pay for the same when due. And there were expenses to be incurred for which assessments could not be made. The lighting of the streets, the maintenance of a night watch and of a fire department, constructing public wells, pumps and cisterns, the payment of all employees, agents and servants, and the ordinary expense attending the meetings of the Board could not be met by the tax levy of three hundred dollars. Thus the door was opened to spend on general account assessments for specific work. The people were slow to vote any sum additional to the tax levy.* As an illustration, the Board felt that

* September 3, 1836, By the Board of Selectmen:

"Whereas not more than $300 for the support of the government of Jersey

for the safety of property, a fire engine, hose, hooks and ladders should be secured. To get the needed money, the Board, on November 3rd, 1837, resolved to call a meeting of the inhabitants to be held on the sixteenth, to give their consent to raise $2500 to purchase the needed apparatus. The meeting was held and the vote taken, but alas for the fire department, only thirteen of the citizens attended, twelve of whom voted against the allowance of the money asked for by the Board.

The Board attempted to tide over their financial difficulties by giving to their creditors a note or bond which sometimes was paid when it came due, more frequently not. On March 4th, 1837, a note for $3000 held by Cumming and Pollock was protested for non-payment. It was renewed, came due again on June 10th, 1837, and settled by $1000 cash and $2000 renewal. On July 17th, 1837, a note for $2440.72 held by the same firm came due and was discharged by $1000 cash and a renewal for $1440.72. To save the credit of the Board,

City is authorized to be raised in any one year without a vote of the freeholders, and other taxable inhabitants convened at a town meeting, and

"Whereas the improvements that have been made and are in progress require a larger amount of funds to carry the same into effect, in the erecting and lighting of lamps in all the streets; the maintaining a city watch; the payment of constables; the building and repairing of public wells and pumps; the employment of scavengers and for other purposes.

"Resolved, That public notice be given that a meeting of the freeholders and other taxable inhabitants of Jersey City will be held at the school house in Sussex Street on Wednesday, the 12th of October next, from four to six, P.M., to take into consideration a vote empowering the Board of Selectmen to raise an additional sum for the support of the city government."

Dudley S. Gregory and Company took up the notes of the Board amounting to $4500. On July 7th, 1837, the same firm, knowing the condition of affairs, recommended to the Board the issue of certificates of loan. This proposition was referred to a select committee, who, on July 12th, reported favorably, and it was left to the committee to draft the form of a note. On July 14, 1837, the same firm offered to accept certificates in the nature of a circulating medium redeemable in one year with interest at one per cent. per annum. Through this offer the Board thought they saw a way out of their embarrassment, even if there was no law to justify it. They forthwith adopted the following:

"Whereas it is to the interest of Jersey City to issue certificates of loan in various sums in an amount equal to all the claims due this Board from assessments* now or hereafter to be made for work done or about to be completed:

"Resolved, That certificates of loan for $12,000 issue in the denomination of twelve and a half cents, twenty-five cents, fifty cents and seventy-five cents."†

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* The Board had in their necessity appropriated to other purposes the assessments collected. This probably explains why they limited the loan certificates to the amount of assessments.

† The following ordinance was passed on this subject:

"A law to authorize the issuing of Certificates of loan and indebtedness. Passed July 14, 1837.

"Section 1. Be it ordained by the Board of Selectmen and Inhabitants of Jersey City, that a loan of $12,000 be made for the use of this City; and that

On September 1st, 1837, the Board directed the President to refrain from signing any draft for bills ordered paid until money sufficient for their payment could be obtained.

One kind-hearted citizen, seeing the straits of the Board, offered to loan them $500. This offer was voraciously accepted and the man looked upon as a Curtius who had sacrificed himself for the public good. For this loan two drafts each for $250 were solemnly drawn payable out of the first moneys which might accidentally stray into the collapsed treasury. The lack of money counteracted all the influences which had combined for the prosperity of the city.

Very few buildings were erected, and although prices for lots were kept up, but few were sold. So little demand was there for them that on February 1st, 1837, it was said that "almost four-fifths of the lots on Mangin's Map are lying in a state of nature, entitled to the name of a barren sand hill."

A MORE LIBERAL CHARTER NEEDED.

The Board of Selectmen and Inhabitants had not rested patiently under the influence which withheld the means of providing a respectable government

certificates of loan and indebtedness be issued in such manner as this Board may direct to the amount of said loan in the denominations of twelve and a half (12½) cents, twenty-five (25) cents, fifty (50) cents and seventy-five (75) cents, which certificates shall be redeemable on the first day of August, in the year of our Lord 1838, bearing interest at the rate of one per centum per annum.

for the City and obstructed remedial legislation. It was painfully manifest that the charter must be changed. The municipality must be clothed with power to levy a tax which in the judgment of those on whom the duty was laid would be sufficient to meet all the necessary wants of the corporation.

The Board, as did the Board under the charter of 1828, boldly took the initiative in moving towards a more adequate form of government.

On September 11th, 1835, the Board of Selectmen directed the Secretary to give notice that an application would be made to the Legislature at its next session for a change in the charter.

On November 20th, 1835, the Board gave notice of application to the Legislature at its session in January following for amendment to the charter of 1829, in the following particulars:

1. To change the name to "The Mayor and Aldermen of Jersey City.
2. To extend the corporate limits.
3. To make certain assessments a lien on real estate.
4. To repeal the limit of the annual tax for the support of the City government.
5. To extend the streets and enlarge or exchange the public market and other grounds.
6. To supply the city with spring water.
7. To issue stock to aid in some of the public improvements.

8. For other alterations and additions for the encouragement of good government, and improvement of the City.

After a full consideration of the points in the notice of the application which had been published, the committee having the matter in charge, on February 19, 1836, reported that it was inexpedient to apply to the Legislature at that session for all the objects contained in the published notice, but on account of the progress making in improvements, the heavy expenditures thereby and the necessity of prompt collections, presented the project of a law making all assessments in Jersey City a lien on real estate therein. On this report the Board "Resolved that a memorial under the seal of the Board and signed by the President be forwarded to the Legislature in charge of the Attorney of the Board praying for an act for the more effectual collection of assessments in the City of Jersey City."

The result was the passage of the Supplement of March 8th, 1836. Prior to this act there was no authority to levy assessments on property for improvements. Some improvements were made and it would seem that assessments for the expense thereof in some way made, but by what authority does not appear.

On November 23rd, 1836, the Board again gave notice of application for amendments to the charter. Impressed with the necessity of a radical departure

from the restrictive policy which had hitherto crippled the City in its forward march, the Board, on January 6th, 1837, "Resolved, That the Committee on Laws and Applications be directed to make application to the Legislature of this state for the erection of Jersey City into a separate township." Following this, on January 23d, 1837, the Board "Resolved that the Committee on Laws and Applications be authorized and directed to prepare a petition to the Legislature of this state to be signed on behalf of this Board by the President thereof, for the passage of an act for the alteration of the act of the incorporation of the City of Jersey, and that said Committee be requested to proceed to Trenton to present said petition to the Legislature, and to use all honorable means to procure the passage of said act." In this effort they were wholly unsuccessful. A strong opposition to the proposed change had developed and a remonstrance against its adoption met with success.

Undiscouraged, the Board again gave a similar notice on October 6th, 1837. On the 8th of December following, in their official meeting they entered upon the consideration of a new charter. On January 9, 1838, for the purpose of creating a public sentiment on the subject which would crush all pecuniary opposition, they issued a call for a meeting of citizens to be held on the 13th, to consider the matter. On the 15th, the action of the

citizens' meeting was reported to the Board as follows :—

"At a very large meeting of the Inhabitants of Jersey City, held pursuant to public notice at the long room in Buck's Hotel* on Saturday evening, January 13, 1838.

John Griffith was appointed Chairman, and Thomas A. Alexander, Secretary.

The President of the Board of Selectmen† laid before the meeting the draft, as prepared by the Board, of a new Act of Incorporation of the City, intended to be applied for at the present session of the Legislature, which, being read by the Secretary and fully discussed and amended, the following resolutions were unanimously adopted :

"*Resolved*, That the Charter as amended by this meeting be approved and that the Board of Select Men be instructed to appoint some person or persons to present it to the Legislature and advocate its passage before that body.

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* The Hotel kept by John Buck was a four story double frame building. It still stands where it was in the early days at Nos. 68 and 70 York Street. In the rear was a livery and exchange stable. To reach this stable, a passage way was made under the easterly portion of the hotel. The building above the first story extended over this way, and over it on the second floor was the "long room." The westerly part of the ground floor, which is two steps below the sidewalk, is still devoted to the worship of ardent spirits. It was in this Hotel that "The Mayor and common council" held their first meeting after the acceptance of the charter.

P. S. Since the above note was written the building has been torn down by the Evening Journal Association to make room for the enlargement of their plant.

† William Glaze.

"*Resolved*, That the members of the Legislature from this County be requested to give their aid to the passage of the bill.

"*Resolved*, That it be recommended to the Board of Select Men, that the persons having charge of the application for the new Charter be instructed to accept of no amendment or alteration of the Bill which may take from the Corporation any of the powers now possessed, and that the said persons be authorized and directed to take advice of eminent counsel on such amendments or alterations, if any be proposed.

"*Resolved*, That the thanks of this meeting be presented to the Board of Select Men for their attention to the improvement and perfection of the draft of a charter presented by them to this meeting."

JERSEY CITY INCORPORATED.

On February 22nd, 1838, just thirty-four years from the day Dey contracted with Van Vorst for the purchase of Powles Hook, the Legislature passed the "Act to Incorporate Jersey City." By this act the easterly bounds of the City were extended to the middle of the Hudson River. The name adopted was the "Mayor and Common Council of Jersey City" and in that name, the corporation became a separate municipality. Up to this time the City had remained a part of the Township of Bergen. By

this charter the Mayor and Common Council were entrusted with the usual powers and especially "to raise by tax, from year to year, such sum or sums of money as they may deem expedient" for the purposes therein enumerated.* It was also provided that the act should not go into effect until three-fifths of the electors assented thereto. The time of the election for that purpose was fixed for March 20th, 1838.

The Board of Selectmen moved immediately in the matter. On March 2nd, 1838, they "*Resolved*, That the Secretary give one week previous notice of the election, to be held on the 20th instant, for the acceptance or rejection of the New Act of Incorporation, by advertising the same in a newspaper, cir-

* There seems to have been a doubt existing somewhere, whether the new charter relieved the inhabitants and the new city from the grasp of the Associates. From the beginning they were regarded by many as the Old Man of the Mountains weighing down and obstructing all enterprise. Two of the most eminent counsel in New Jersey and New York were consulted in the matter. Theodore Frelinghuysen said to the Mayor and Common Council, "I have examined the act to incorporate the City of Jersey, passed 22nd February, 1838, and the act granting a charter to the Associates of the Jersey Company, passed the 10th November, 1804, and am of opinion, that the powers and privileges granted by the 2nd section of the charter of 1804 are vested in the Common Council of the City of Jersey by the 13th section of the act of 1838. I think the powers granted by the 2nd section of the charter to the Jersey Associates ceased by force of the proviso to the said section, on the incorporation of the City of Jersey by the act of Feb., 1838." Newark, March 12, 1838.

George Wood of New York agreed in general with the opinion of Mr. Frelinghuysen. Concerning section 29, he made these observations: "It reserves to the Jersey Company their *vested* rights and privileges. Any rights or privileges acquired by the Company through the exercise of the powers of the second section of their charter while it was in force, are reserved to them. But the powers given in that section are not in themselves *vested rights or privileges.* On the contrary they are public and *executory.*"

culated in this City, and placing written notices in five public places, and also to notify the inspectors of the last election of their appointment by the said Act to be judges of the said election on the 20th." These inspectors were William R. Taylor, Charles Gardner, and Job Male.

The election was held at the time mentioned, in the school house in Sussex Street. The polls were open from 12 M. to 6 P.M. 186 votes were cast, of which 177 were in favor, and 9 against the new charter. The last meeting of the Board of Selectmen* was held April 7th, 1838, and the first meeting of the "Mayor and Common Council of Jersey City"† was held at Buck's Hotel, April 16th.

The founding of Jersey City represents the work and growth of thirty-four years.

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* The Presidents of the Board of Selectmen had been:

1820–23, Joseph Lyon.
1824, William Lyon.
1825, Joseph Kissam.
1826–30, George Dummer.
1831–2, David C. Colden.
1833, William Glaze.
1834, John F. Ellis.
1835, Robert Gilchrist.
1836–7, William Glaze.

† Dudley S. Gregory was the first Mayor; and Peter McMartin, James M. Hoyt, William Glaze, Henry Southmayd, Isaac Edge, John Dows, John Griffith, Peter Bentley, Jonathan Jenkins and Ebenezer Lewis, composed the first common Council.

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